



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 25th February, 2011:—

I

BILL NO. LIV OF 2010

A Bill to provide for uniform retirement age for Chairpersons and Members of the various Tribunals and Commissions established under various laws enacted by Parliament.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Chairpersons and Members of Tribunals and Commissions (Retirement Age) Act, 2010.

Short title and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires, "Tribunals or Commissions" means any Tribunal or Commission established under any law enacted by Parliament and includes the Councils and State Commissions so established.

Definition.

Retirement
age for
Chairperson
and Member
of any
Tribunal or
Commission.

3. Notwithstanding anything contained in any other law for the time being in force, on and from such date as the Central Government shall appoint in this behalf, the retirement age for Chairperson and Member of any Tribunal or Commission shall be seventy-two years and sixty-eight years respectively.

STATEMENT OF OBJECTS AND REASONS

The life expectancy in our country has tremendously improved and is comparable to many developed countries. Accordingly, there is a need for a fresh look towards the retirement age in various establishments of the Government. The retirement age of the Judge of Supreme Court is sixty-five years whereas that of High Court is sixty-two years. Many of these Judges are appointed as Chairpersons of Commission and Tribunals. In many cases, they hardly have much time to perform their functions. By the time they are accustomed with the system they are due for retirement. The abilities and experience of these Judges needs to be utilised for the good of the society for longer period. Similarly, the Government spends a lot of money for the training and orientation of its officers at senior level. Many senior officers are appointed Chairpersons/members of various Commission and Tribunal. Their rich experience for running the affairs of the Government also needs to be utilised for the benefit of the common man. In view of the lower retirement age in various establishments, the experience gained by the senior Government officers is being fruitfully tapped by multinationals by giving hefty salaries to these retired officers. It is the Government which should utilise the professional experience of these officers to the fullest in their establishments for the betterment of the society. Different enactments for establishing various Tribunals and Commission prescribe different retirement ages for their Chairperson and members without any cogent reasons. There is a strong case for uniformity in retirement age.

In this connection, the Law Commission of India in his 232nd Report regarding "retirement age of Chairperson and members of Tribunals" has recommended that the retirement age for the Chairperson of all the Tribunals and Commissions established under various statutes should be raised to seventy years. It has also recommended that the retirement age for members of these Tribunals/Commissions should be raised to sixty five years. It is felt that rich and vast experience of persons appointed in various Tribunal and Commission needs to be utilised more than what has been recommended by Law Commission. Accordingly, it has been proposed in the Bill that retirement age of Chairpersons of various Commissions and Tribunals shall be raised to seventy two years and of members to sixty eight years.

Hence this Bill.

MAHENDRA MOHAN

II

BILL NO. LV OF 2010

A Bill to define the offences relating to incest and sexual abuse in family and prescribe the special procedure for punishment for the offences relating to incest and sexual abuse in family and matters connected therewith and incidental thereto.

Be it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Incest and Sexual Abuse in Family (Offences) Act, 2010. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) 'appropriate Government' means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) 'family member' means grand-mother, mother, daughter, sister, sister-in-law, daughter-in-law and includes male child below the age of 12 years;

(c) 'prescribed' means prescribed by rules made under this Act;

(d) 'sexual abuse' includes making sexually explicit remarks, intentional physical contacts, wilfully touching and patting, showing and use of pornographic material and molestation;

(e) terms used in this Act and not defined but defined in the Indian Penal Code, 1860 or Code of Criminal Procedure, 1973 shall have the same meanings respectively assigned to them in those laws.

45 of 1860.
1 of 1974.

3. Any person who has sexual intercourse with his family member or attempts to have sexual intercourse with such family member shall be guilty of the offence of incest and shall be punished as per the provision of this Act.

Incest
Offences.

4. Any person who sexually abuse any of his family member shall be guilty of the offence of sexual abuse and shall be punished as per the provision of this Act.

Sexual abuse
of family
member.

Explanation.—For the purposes of sections 4 and 5, the consent of the family member shall not be available as defence to the accused.

5. Whoever found guilty of offence under:

Penalty.

(i) section 3 shall be punished with rigorous imprisonment for a term for life and shall also liable to fine:

Provided that if the victim is a child, offender shall be punished with death.

(ii) section 4 shall be punished with rigorous imprisonment for a term of five years which may extend upto seven years and shall also liable to fine.

6. Notwithstanding anything contained in any other law, for the time being in force, in the trial under this Act, the burden of proof as to the innocence shall be on the accused and the victim shall have the right to lead evidence in rebuttal.

Burden of
proof.

7. The proceedings under this Act, shall be tried by Special Courts by a women magistrate and the Court shall follow such procedure as may be determined by it in consultation with District Judge.

Special Court.

8. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the offences under this Act shall be cognizable and non-bailable.

Offences to be
cognizable and
non-bailable.

9. Save as provided under this Act, the provisions of the Code of Criminal Procedure, 1973, shall be applicable to the trial under this Act.

Provisions of
the Code of
Criminal
Procedure to
be applied.

10. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force relating to incest and sexual abuse.

Act to have
overriding
effect.

11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

Power to make
rules.

STATEMENT OF OBJECTS AND REASONS

Incest and sexual abuse of family members is a deviant behaviour. Incest and sexual abuse is a social disease. Hardly, a day passes without a case of incest or sexual abuse within family being reported in newspapers and media. What is sad about incest and sexual abuse in India is the lack of seriousness with which the crime is often treated.

The society is in a state of denial that incest and sexual abuse in family does not exist. Victims are often reluctant to report incest or sexual abuse by family member as the offender in most of the cases is a close family member. This problem is made worse by the fact that there are no law adequate to prosecute such criminals. Whereas the bare truth is that it is widespread in our society and only a very small number of cases go reported.

As on today, there is no law on offences relating to incest and sexual abuse within family in India. The incest is treated as rape and if it is an abuse of a boy, it would be covered under section 377 of the Indian Penal Code, 1860. The Courts often let off offenders who raped their daughter as this crime was not recognised as a punishable offence in our country. The judges also sometime do not believe that a girl can be abused by her father.

Many developed countries recognise incest as a serious crime. The United Kingdom has a law on it since 1908, which provides punishment for fourteen years and many of other countries have laws on incest and sexual abuse in family. In the United States also a separate law is there.

There is consistent demand for a definite law on incest and sexual abuse in the family for quite some time. But so far it has not been enacted. It is, therefore, urgently required that a separate and strict law should be enacted to counter this menace in the society.

Hence this Bill.

MAHENDRA MOHAN

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Government to make rules for carrying out the purposes of the Bill and the rules with relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

III

BILL NO. LXVI OF 2010

A Bill to provide for procedure for effectuating article 371 A (1)(a) of the Constitution of India in relation to the State of Nagaland.

Be it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Acts of Parliament (Application to Nagaland) Act, 2010. Short title and commencement.

(2) It shall come into force at once.

2. In this Act, unless the context otherwise requires,— Definitions.

(a) “Act means an Act made by Parliament in exercise of its ordinary and constituent powers of legislation and includes an Ordinance promulgated by the President of India under article 123 of the Constitution of India;

(b) “Committee” means the Joint Government’s Committee constituted under section 4 of this Act;

(c) “Government of Nagaland” means the Governor of Nagaland acting on the aid and advice of the Council of Ministers of Nagaland; and

(d) “Report” means a report of the Joint Governments’ Committee.

Declaration to be contained in all Acts.

3. All Acts enacted hereafter, shall contain a declaration that such Acts shall apply to the State of Nagaland subject to article 371A(1)(a) of the Constitution of India read with this Act.

Joint Governments' Committee.

4. All Acts enacted hereafter, shall, within Sixty days of their enactment, be referred to a Joint Governments' Committee comprising such number of Ministers and Officers both from the Union Government and the Government of Nagaland, as may be determined, by notification, by the Union Government in consultation with the Government of Nagaland:

Provided that the representatives of the Government of Nagaland to the Committee shall be nominated by the Government of Nagaland.

Report of the Joint Government's Committee.

5. The Joint Governments' Committee shall examine the question whether an Act, so referred, requires a resolution of the Legislative Assembly of Nagaland for applying its provisions, partly or fully, to the State of Nagaland or not, and present a report in that behalf concurrently to the Union Government and the Government of Nagaland within sixty days of reference of the Act to the Committee.

Actions on Report.

6. (1) If the report recommends that a resolution of the Legislative Assembly of Nagaland is required for application of the Act to the State of Nagaland, then the necessary resolution shall be passed by the Legislative Assembly within sixty days of the receipt of the report by the Government of Nagaland and,—

(i) upon passing of the resolution, the Act shall be deemed to have applied to the State of Nagaland from the date of its enactment;

(ii) upon failure to pass a resolution or failure of a resolution to be carried when moved in the Legislative Assembly within the aforesaid period, the Act shall be deemed to have applied to the State of Nagaland from the date on which the said period of sixty days expires.

(2) If the report recommends that a resolution of the Legislative Assembly of Nagaland is not required for application of an Act to the State of Nagaland, then the Act shall apply to the State of Nagaland at the expiration of sixty days from the date of receipt of the report by the Government of Nagaland:

Provided that the report may be referred back to the Joint Governments' Committee for further examination by a resolution of the legislative Assembly of Nagaland passed within sixty days from the date of receipt of the report by the Government of Nagaland:

Provided further that the resolution of the Legislative Assembly so passed shall enumerate the disputed points on which the Act is referred back to the Committee.

Action on reconsidered report.

7. (1) A report referred back to the Committee by a resolution of the Legislative Assembly of Nagaland, shall be reconsidered by the Committee in the light of points enumerated in the resolution within sixty days of receipt of the resolution.

(2) If the revised report recommends that a resolution of the Legislative Assembly of Nagaland is required for application of the Act to the State of Nagaland, then the procedure outlined in section 6 (1) shall be followed.

(3) If the revised report recommends that a resolution of the Legislative Assembly of Nagaland is not required for application of the Act to the State of Nagaland, then the Act shall apply to the State of Nagaland at the expiration of sixty days from the date of receipt of the revised report by the Government of Nagaland, unless the Legislative Assembly of Nagaland passes a resolution before the expiration of the said period, directing that the Act shall not apply to the State of Nagaland and upon passing of such a resolution, the Act shall not apply to the State of Nagaland at any point of time.

STATEMENT OF OBJECTS AND REASONS

Article 371A(1)(a) of the Constitution of India accords Nagaland a special place in regard to application of Acts of Parliament to the State.

2. Ever since the creation of the State on the 1st December, 1963, neither the State Government nor the Union Government had paid due attention to the working of that special provision in relation to Nagaland.

3. This Bill seeks to lay down a procedure for putting into effect article 371A(1)(a) in relation to the State of Nagaland.

Hence this Bill.

KHEKIHO ZHIMOMI

MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 4 of the Bill gives power to the Central Government to issue notification naming the Ministers and Officers who would constitute the Joint Governments' Committee for carrying out the purposes of this Bill. The notification will relate to matters of details only. The delegation of legislative power is of normal character.

IV

BILL NO. LXXII OF 2010

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) The Act may be called the Constitution (Amendment) Act, 2010.

(2) It shall come into force, at once.

Amendment
of article 53.

2. In article 53 of the Constitution, after clause (3), the following clause shall be inserted, namely:—

“(4) Schemes approved and implemented by the Union Government providing for allotment of finances and for carrying developmental works, shall be deemed to be approved and implemented under the executive powers of the Union:

Provided that no scheme involving an expenditure of more than rupees fifty crore shall be approved and implemented by the Union Government under its executive powers, and that, Parliament may by law provide for enactment of all such schemes."

STATEMENT OF OBJECTS AND REASONS

The Union Government has rightly enacted a scheme known as Members of Parliament Area Development (MPLAD) Scheme which is running very effectively. The Members of the apex legislature of this great democracy were virtually powerless before the enactment of the scheme in 1993. The Scheme, now involves disbursement of crore of rupees towards the developmental projects recommended by MPs. Despite the magnitude of the scheme, there is no law to regulate the scheme. No doubt, the Government has issued some guidelines which, however, are vague and confusing. Further, there are hundreds of District Magistrates who are in-charge of the schemes in various States and each one of them, interpreting the scheme in his own way.

There is no system of getting clarification over a procedural or legal point of dispute from the Directorate of MPLAD Scheme in New Delhi through electronic mechanism in 48 hours, which should have been the case when we are in an era of e-governance. Although the State Governments could have enacted a special procedure to implement MPLAD projects, State Governments have failed to do it. They have preferred to follow the Public Works Departments Manual, which is also at times confusing. Union Government could have provided in their guidelines a shorter procedure but the guidelines, do not provide for any procedure.

Schemes are only executive orders. They are no legislations. Besides, Parliament enacts laws for everyone and on every subject. Why should not the members enact an ideal law to regulate MPLAD, in their own interest and, more particularly, to bring in transparency in the matter? After the law is enacted laying down the fundamentals, necessary rules can be framed and a scheme be prepared.

Hence this Bill.

SHANTARAM LAXMAN NAIK

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for allotment of finances for schemes approved by Central Government and for carrying out the developmental works to the tune of rupees fifty crore. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure to the tune of rupees two crore per member per year is likely to be involved. Non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

V

BILL NO. LXXIX OF 2010

A Bill to provide for the remunerative price for the produce of the sugarcane growers, insurance of sugarcane crop free of cost and for their overall welfare and for matters connected therewith and incidental thereto.

BE it enacted by the Parliament in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Sugarcane Growers (Remunerative Price and Welfare) Act, 2010.

Short title
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “sugarcane grower” means any person who cultivates sugarcane; and

(b) “prescribed” means prescribed by rules made under this Act.

Procurement
of sugarcane
and fixation
of its
remunerative
Price.

3. (1) It shall be the duty of the Central Government to procure the entire sugarcane produced in the country through an agency to be set up for the purpose.

(2) The Central Government shall fix the price of sugarcane every year after taking into consideration,—

(i) the increase in the price of seeds, pesticides and fertilizers and other inputs;

(ii) total investment of the sugarcane growers; and

(iii) such other factors as may be prescribed.

Insurance of
sugarcane and
its growers.

4. The entire crop of sugarcane and its growers shall be compulsorily insured free of cost by the Central Government against natural calamities, fall in the yield of sugarcane, fall in the price of sugarcane and such other eventualities as may be prescribed.

Sugarcane
Growers
Welfare Fund.

5. (1) The Central Government shall set up a fund to be known as the Sugarcane Growers Welfare Fund.

(2) The Central Government and the State Governments shall contribute to the fund in such ratio as may be prescribed.

Utilisation of
fund.

6. The Sugarcane Growers Welfare Fund shall be used for the following purposes, namely:—

(a) to provide financial assistance to sugarcane growers for purchasing sugarcane seeds, pesticides and fertilizers, and in case of low yields of sugarcane or loss of their crops due to rains, storms, floods, hailstorms and drought;

(b) to pay compensation to the next of kin of sugarcane growers in the event of their death;

(c) to pay life insurance premium on behalf of the sugarcane growers;

(d) to provide free health facilities for sugarcane growers and their families;

(e) to provide assistance to the sugarcane growers in the event of disability;

(f) to compensate the farmer(s) suitably in case as yield being less than estimated;

and

(g) for such other purposes as may be prescribed by the Central Government.

Power to
make rules.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Sugarcane is a cash crop. It is cultivated in various States in the country. It is a crop of the whole year and it is one of the major materials to produce sugar. The Sugarcane growers are facing problems, as they are not getting remunerative price for their produce. Sugarcane growing has become a non-profitable agricultural activity due to increase in the prices of seeds, fertilizers and pesticides and other inputs and the prices of sugarcane produce have not increased in the same proportion. There is demand the price of the Sugarcane be fixed on the basis of cost of production and price of sugar. To meet the demand that sufficient production of sugarcane is necessary. It is possible, if, the growers get remunerative price for sugarcane. Sugarcane growers have to go for loans as the investment in the cultivation has gone up. They are also not getting payment of their produce on time. This has led to their indebtedness and when they are unable to repay loans, they take the extreme step of committing suicide or self immolations. Further, due to unremunerative price for sugarcane, the aggrieved sugarcane growers are forced to abandon sugarcane farming in favour of other crops resulting in decline in the growth of sugarcane production.

The Government is required to provide remunerative price and also immediate relief to sugarcane growers in the event of natural calamities like storm, heavy rains, drought, hailstorm and flood so that sugarcane growers can feel respite. There is an urgent need to enact a law, which can ensure governmental assistance to sugarcane growers in the event of fall in prices or damage to their crops. Therefore, setting up of a fund for sugarcane growers and provision of insurance scheme for them will prove to be beneficial. An agency is also required to be set up by the Central Government to procure the sugarcane produce.

The Bill, if enacted, will protect the interests and promote the welfare of the sugarcane growers in the country and will help growth of the sugarcane production in the country in a big way.

Hence, this Bill.

SHADI LAL BATRA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for procurement of sugarcane from sugarcane growers by an agency to be set up by the Central Government and fixation of remunerative prices for sugarcane by the Central Government. Clause 4 provides for compulsory free insurance of sugarcane and its growers by the Central Government against natural calamities. Clause 5 of the Bill provides for setting up of a Sugarcane Growers Welfare Fund to which the Central Government and the State Governments shall contribute in such ratio, as may be prescribed.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. Though, it is not possible to quantify the actual expenditure at this juncture, but it is estimated that a recurring expenditure of about rupees Five thousand crore may be incurred per annum.

A non-incurring annual expenditure of about rupees one thousand crore is also likely to be incurred on it.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only. The delegation of legislative power is of normal character.

VI

BILL NO. LXXVIII OF 2010

A Bill to provide for promotion of family planning measures by the Central and State Governments for population stabilization in the country through various incentives and disincentives so as to ensure that the population is commensurate with its social, economic and other developments and with the ecological balance and bridge the gap between the haves and have nots and for achieving quality of life and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Population Stabilization Act, 2010.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "prescribed" means prescribed by rules made under this act; and

(c) "small family" means family having one child.

3. Notwithstanding anything contained in the Constitution of India or any other law for the time being in force, it is hereby declared that the provisions of this Act are for the purposes of giving effect to the policies of the State towards securing the principles laid down in article 38 of the Constitution of India.

Giving effect to the policies of the States as laid in article 38 of the Constitution of India.

4. The Central Government shall, as soon as may be, by notification in the Official Gazette, formulate a new comprehensive population policy particularly for the purposes of having one child norm for the eligible couples and other issues including economic, educational, legal medical, social and other incidental aspect to promote small family norms so as to effectively control the booming population of the country in order to achieve rapid economic progress and raise the standard of living of the masses.

Formulation of Comprehensive Population Policy.

5. Notwithstanding anything contained in any other law for the time being in force, the employee of the Central Government or of a Public Sector enterprise under the Control of Central Government who adopts small family norm undergoing sterilization operation himself or of the spouse after the birth of his first child shall be given:—

Facilities to Government employees who adopts small family norm.

(a) one year additional salary with all allowances along with two additional increments as incentives;

(b) plot or house site or built house from Housing Board or Development Authority of the Government at subsidized rates;

(c) loan for construction or purchasing the house from banks or financial institutions on nominal rate of interest;

(d) free healthcare facilities;

(e) free educational facilities to the child with vocational training and professional courses wherever necessary; and

(f) such other benefits and incentives as may be prescribed.

6. The incentives and benefits referred to in section 5 shall be extended *mutatis mutandis* to the general public in the manner provided therein.

Extension of benefits to general public.

7. Whoever in contravention of small family norm procreates more than one child, shall lose the incentives and benefits provided in this Act and in addition thereto shall,—

Loss of benefits whoever contravenes small family norm.

(a) be denied the subsidies in matters of loans extended to him;

(b) not be eligible to get the benefits of Public Distribution System;

(c) not be given any loan by any bank or financial institution; and

(d) not be entitled for such other facilities as may be prescribed.

8. Any women having one living child shall not be provided with maternity facilities in any Government Hospital, Dispensary, Health Centre or Medical Centre for the birth of her second child:

No maternity benefits to be given for those having more than one living children.

Provided that if, such women agrees to undergo sterilization operation after the birth of her second child then she shall be provided with the requisite maternity facilities forth with.

9. (1) Notwithstanding anything contained in any of the election laws for the time being in force, a citizen shall be disqualified for being chosen as a member of either House of Parliament or of the legislature of a State or of any body of the local self government, if that citizen has more than two living children:

Miscellaneous provisions.

Provided that this provision shall not apply in case of a citizen having more than two living children on or before the date of commencement of this Act.

(2) Notwithstanding anything contained in any other law for the time being in force, no marriage shall be solemnized between a male who is less than twenty-five years of age and a female who is less than twenty-two years of age.

(3) Every serving government employee and those who will join any government service shall give an undertaking that he shall not procreate more than one child:

Provided that this provision shall not apply to those government employees who have more than the prescribed number of living children on or before the date of commencement of this Act.

Penalty.

10. Whoever contravenes,—

(a) the provisions of sub-section (2) of section 9 shall commit cognizable offence and shall be punishable with simple imprisonment for a term which shall not be less than two years but may extend to four years and also with a fine, which may extend to two lakh rupees.

(b) the provisions of sub-section (3) of section 9 shall forfeit his right to promotion and shall not be eligible for any further increment till he is in government service.

Duties of the Government.

11. The appropriate government shall,—

(a) implement the revised National Population Policy to achieve the goals enumerated therein;

(b) set up maternity hospitals and centers in sufficient numbers at conspicuous places;

(c) distribute contraceptive pills, condoms through Healthcare Centres and Non-Governmental Organisations;

(d) organize sterilization camps from time to time;

(e) distribute iron and vitamin capsules and tablets amongst the expecting mothers;

(f) give wide publicity to the benefits of having small families; and

(g) undertake such other measures as it may deem fit and expedient for the purposes of this Act.

Central Government to provide funds.

12. The Central Government shall after due appropriation made by law by Parliament in this behalf, provide requisite funds for carrying out the purposes of this Act from time to time.

Power to remove difficulty.

13. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act as may appears to it to be necessary or expedient for the removal of the difficulty.

Overriding effect.

14. The provisions of this Act and of any rules and orders made thereunder shall have effect notwithstanding any thing inconsistent therewith contained in any other law for the time being in force.

Savings.

15. The provisions of this Act shall be in addition to and not, save as otherwise expressly provided in this Act, in derogation of any other law for the time being in force in any part of this country.

Power to make rules.

16. The Central Government may, by notification in Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

India is the second most populous country after China with largest birth rate in the World. The China's annual rate of population growth has been 0.6 per cent, against India's 1.4 per cent. Our population is around 1.3 billion, and is increasing every moment. Around 2030, India will become the most populous country on the earth—with a population of 1.6 billion by 2050. Our global land area is 2.4 per cent, but we have more than sixteen per cent of the global population making it the most densely populated nation of the world. This scenario is compelling as half the population lives in slums and under squalid conditions. This has caused over crowding due to which law and order situation also is deteriorating. Unemployment is rising rapidly causing frustration amongst the unemployed, particularly the youth who are being lured by anti-national and anti-social elements. There is unparallel transformation of human values, social institutions and economic structures. Agriculture land holdings are becoming smaller and smaller and uneconomical and farmers are committing suicides due to this fact. The housing needs are far beyond the available finances and the shortage is appalling. Educational facilities are becoming hopelessly poor. Overcrowding is also causing environmental degradation. Jungles are vanishing for fuel, construction, furniture and for funeral purposes which has resulted water shortage and less rain and increased carbon-dioxide in the environment resulting in harmful diseases. The healthcare facilities are far from satisfactory and if, the population is not stabilised, we can hardly expect to achieve quality life and the situation will become from bad to worse.

It is, therefore, imperative that effective steps must be taken to check the increasing population. A clear message must go across the nations that since our resources are limited, we have to opt for smaller families. It is very unfortunate that despite availability of various birth control measures and several Family Planning Programmes, the population continues to rise menacingly. This Bill is a step towards population stabilization in the country.

Hence this Bill.

SHADI LAL BATRA

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides certain benefits to Government employees who adopt small family norm. Clause 6 provides for extension of benefits to general public who adopt small family norm. Clause 12 lays down that Central Government shall provide requisite funds from time to time for carrying out the purposes of the Bill. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. The Bill, therefore, will involve an annual recurring expenditure of about rupees one hundred crore out of the Consolidated Fund of India. A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only. The delegation of legislative power is of normal character.

VII

BILL NO. LXXXII OF 2010

A Bill to provide for the establishment of a Rural Electrification Authority to ensure uninterrupted electricity supply to farmers for their agricultural activities and for providing at least one bulb connection to every dwelling in rural India and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Rural Electrification Authority Act, 2010.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Authority" means the Rural Electrification Authority established under section 3;

(b) "prescribed" means prescribed by rules made under this Act;

(c) words and expressions used but not defined in this Act and defined in the Indian Electricity Act, 1910 and the Electricity (Supply) Act, 1948, shall have the meanings respectively assigned to them in those Acts.

9 of 1910.
54 of 1948.

3. (1) The Central Government shall, by notification, establish a Rural Electrification Authority to exercise the powers conferred on, and to perform such duties and functions assigned to it under this Act.

Establishment
of the Rural
Electrification
Authority.

(2) The Authority shall consist of not more than five members appointed by the Central Government from amongst the persons having domain, knowledge and professional expertise in the field of power generation, electrical maintenance, distribution and agriculture of whom at least two shall be from amongst the farmers.

(3) The Central Government shall appoint one of the members to be the Chairman of the Authority.

(4) The head office of the Rural Electrification Authority shall be in Delhi.

(5) The Authority may appoint a Secretary and such number of officers and employees as it considers necessary on such terms and conditions as may be prescribed.

(6) The qualifications and experience, term of office and allowances of the members, officers and employees of the Authority shall be such, as may be prescribed.

4. The powers and function of the Authority shall, *inter alia*, include,—

Powers and
functions of
the Authority.

(i) to develop a sound, adequate and uniform National Rural Electrification Policy;

(ii) to provide uninterrupted power supply to the farmers for irrigation and other agricultural purposes;

(iii) to provide uninterrupted power supply to the village and cottage industries and village artisans engaged in self-employment in villages;

(iv) to provide at least one bulb connection of electricity in every dwelling unit of each village in the country;

(v) to give attention to the drought prone areas by establishing power units for power generation under public private partnership exclusively to cater the requirements of the rural sector in the country;

(vi) to carry out the investigations and to collect and record the data pertaining to the generation, distribution and utilisation of power in the rural sector and the development of the power resources in the rural areas;

(vii) to co-ordinate the activities of the national and state planning agencies particularly in relation to the control and utilisation of power resources for the rural sector;

(viii) to advise the Government and other agencies on production, distribution and utilisation of power and such other related matters from time to time.

5. The Central Government shall provide, from time to time, after due appropriation made by Parliament by law, adequate funds for the rural electrification works to be undertaken by the Authority and for the administrative expenses of the Authority.

Funds for the
Authority.

Rural
Electricity
Development
Fund.

6. The Authority shall have a Fund to be called the Rural Electricity Development Fund to which all moneys received from the Central and State Governments for the purposes of rural electrification and from all other sources such as the rural consumers, private sector generating electricity for rural sector, etc. shall be credited and all payments by the Authority towards electrification expenditure shall be made therefrom.

Authority to
establish new
power
generating
stations.

7. The Authority shall establish new power generating stations in any area in which it is required by any scheme of the Authority.

Authority to
provide
electricity at
subsidised rates
to farmers.

8. The Authority may supply electricity to the farmers at such subsidised rates as may be prescribed from time to time.

One Bulb
connection to
be free of cost
for the
Scheduled
Caste,
Scheduled
Tribe and
Other
Backward
Class including
minorities and
below poverty
line residing in
rural areas
Effect of other
laws.

9. It shall be the duty of the Authority to provide one bulb connection and supply of electricity thereto free of cost to the Scheduled Caste, Scheduled Tribe and Other Backward Class including minorities and below poverty line families residing in rural areas of the country.

10. Save as otherwise provided in this Act, the provisions of this Act shall be in addition to and not in derogation of the Indian Electricity Act, 1910 and the Electricity (Supply) Act, 1948.

9 of 1910.
54 of 1948.

Power to make
rules.

11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Our country is facing an acute shortage of power in the industrial sector, the agricultural sector and the household. Our power stations are producing electricity much below their generating capacity whereas the demand for electricity is increasing day-by-day in all the sectors. It has been observed that while distributing the electricity, the Electricity Boards and Undertakings give priority to the urban areas and the industrial sector thereby neglecting the rural areas particularly the agricultural sector. Very often it has been seen that the electricity meant for rural areas is diverted to the urban areas. Nobody bothers when the electricity is cut off to the rural areas for days together even if the crops of the hapless farmers are drying in the absence of the water.

Seventy Per cent. of the population of the India is living in villages and lacks facilities to live a decent life and sufficient earning to meet both ends. This compels the new generation to migrate to towns. This migration is not only disturbing the development of the towns, but also destabilising the village economy. It is the need of the day that all infrastructural facilities and employment opportunities be provided to promote the young generation in their development at the place of their stay only. As most of the population in the country is engaged in agriculture and agriculture-related small and cottage industries, it is our bounden duty to give uninterrupted power supply to the agricultural sector. It is also necessary to provide at least one bulb connection to every household including every dwelling unit in the country. To achieve these objects, it is proposed to establish a Rural Electrification Authority to provide electricity exclusively to the rural areas and uninterrupted electricity supply to the agricultural sector including drought prone areas and give at least one bulb connection to every household in the villages.

Hence this Bill.

SHADI LAL BATRA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of the Rural Electrification Authority. Clause 5 provides that Central Government shall provide funds to the Authority. Clause 6 provides for creation of a rural electricity development fund to which the Central and State Governments shall contribute for the purposes of rural electrification and from all others sources such as rural consumer, private sector generating electricity for rural sector etc. shall be credited.

Clause 7 of the Bill provides that Rural Electrification Authority shall establish new power generation station. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India and it is difficult to calculate the expense at this juncture. A non-recurring expenditure of rupees one hundred crore may also involve from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only. The delegation of legislative power is of normal character.

VIII

BILL NO. LXXXI OF 2010

A Bill to provide for prevention of begging and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Prevention of Begging Act, 2010.
- (2) It extends to the whole of India.
- (3) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "begger" means a person who indulges in begging;

(c) "begging" means:—

(i) soliciting alms in a public place, including railways, bus-stops, road sides and public transport, by invoking compassion; and

(ii) entering in any private premises for the purpose of soliciting or receiving alms;

(d) "fund" means Beggars' Welfare Fund established under section 6.

(e) "rehabilitation centre" means a centre established under this Act where any person taken into custody on the ground of begging shall be kept till the time he is rehabilitated.

3. Begging by any person in any manner is hereby abolished.

Abolition of begging.

4. Whoever forces or encourages any person, including a child in his care, custody or charge, for begging or whoever uses any person as an exhibit for the purpose of begging, shall, in the first instance, be warned of indulging in such activities and if he indulges in spite of the warning be punished with a fine of rupees five thousand.

Punishment for forced begging.

5. (1) Any person found begging shall be arrested by the Police.

Arrest of persons found begging, etc.

(2) Any persons so arrested shall be sent to a rehabilitation centre, to be established in every district by the appropriate Government, wherein such person shall be provided with facilities for his rehabilitation in such manner as may be prescribed.

6. (1) The Central Government shall constitute a Fund to be called the Beggars' Welfare Fund for the welfare of the beggars.

Beggars' Welfare Fund.

(2) The fund shall be utilised by the Central Government as and when required for the welfare and rehabilitation of beggars.

7. (1) The appropriate Government shall formulate such schemes, work out such plans, including plans for provision of education, and create suitable infrastructure in every district so as to enable beggars to take up suitable jobs for earning their livelihood.

Formulation of schemes and plans for beggars, etc.

(2) The appropriate Government shall set up destitute homes for providing food, shelter and protection, to the old, infirm, helpless and destitute persons so as to discourage them from indulging in begging.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Despite all efforts made and welfare measures taken by the Central Government and the State Governments, the practice of begging continues unabated all over the country, especially in the metropolitan cities and urban areas. There are organised gangs who exploit innocent children and force them into begging not for the sustenance of these boys and girls but for gathering alms for the gang leaders and organizers. Some people kidnap children and force them to go for begging and collect huge amount of money.

The number of beggars in the country has increased manifold. As per an estimate the number is somewhere around fifty lakhs.

While, the old and infirm beggars can be sent to destitute homes, the other beggars should be given education and training so that they can get gainful employment.

Therefore, it is high time that a law for prevention of begging be enacted.

Hence this Bill.

NARENDRA KUMAR KASHYAP

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for establishment of "rehabilitation centres" in every district by the appropriate Government. Clause 6 provides for setting up of Beggars' Welfare Fund. Clause 7 provides for formulation of schemes and creating suitable infrastructure by appropriate Government in every district so as to enable beggars to take up suitable jobs. It further provides for setting up of destitute homes by the appropriate Government. The Central Government would have to incur expenditure from the Consolidated Fund of India for establishment of rehabilitation centres, destitute homes, formulating schemes, creating suitable infrastructure in respect of Union territories and shall also have to contribute monies into Beggars' Welfare Fund. As for as establishment of rehabilitation centres, destitute homes, formulation of schemes and creating suitable infrastructure in the States are concerned, the concerned State Governments will incur expenditure from their Consolidated Funds, through the Central Government may have to extend some financial assistance to the States for implementing the provisions of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees five hundred crore per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 empowers the Central Government to make rules for carrying out the provisions of the Bill. Since the rules will relate to matters of details only, the delegation of legislative power is of normal character.

IX**BILL NO. LXXXIII OF 2010***A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2010.

Short title and
commence-
ment.

(2) It shall come into force, at once.

2. In article 16 of the Constitution, after clause (4), the following clause shall be inserted, namely:—

Amendment
of article 16.

"(4A) Nothing in this article shall prevent the State from making any special provision for employment by way of self employment or by Providing reservation in the matter of employment in favour of the Scheduled Castes, the Scheduled Tribes and for the identified Backward Classes of citizens, in any enterprise in private sector, joint sector or co-operative sector or in any philanthropic organisation."

STATEMENT OF OBJECTS AND REASONS

With the enforcement of economic reforms and liberalisation of economy in the country, greater emphasis on Government's economic policy is being given to free trade, business and industry. The economy has been transformed from protected economy, into liberal economy with emphasis on free enterprise. With India having signed the General Agreement on Tariffs and Trade (GATT), as a member of the World Trade Organisation, more and more of public sector enterprises are being passed into private hands, workers' co-operatives are being transformed into joint sector enterprises with increasing private equity, and joint ventures with foreign countries, Non-Resident Indians or multinational participation.

In this scenario, when public sector is shrinking, the provision for reservations of posts and jobs for weaker sections of the society, as contemplated under article 16 (4) or under the Mandal Commission Report, are losing their significance, insofar as protection of the interests of the Scheduled Castes, Scheduled Tribes and Backward Classes are concerned.

Time has come and situation has arisen when the spirit of the provisions of the Constitution and the Mandal Commission recommendations should be extended to cover the joint sector, private sector, co-operative enterprises and other organisations, including the philanthropic organisations.

Hence this Bill.

NARENDRA KUMAR KASHYAP

X**BILL No. LXXVII OF 2010**

A Bill to provide for the special facilities and protection of distressed farmers who are affected by various natural calamities, and victims of indebtedness, physical infirmities, diseases, old age, exploitation, etc. by giving adequate compensation, extending relief measures, removal of indebtedness, prevention of exploitation by moneylenders and other unscrupulous elements, extending easy and hassle free bank loans, giving remunerative prices for their produce, improving farming practices through scientific means, extending compulsory market intervention in case of bumper crop, compulsory insurance of crops and livestock, old age allowance, medicare and other welfare measures to ensure that they do not commit suicide and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Distressed Farmers (Special Facilities, Protection and Welfare) Act, 2010.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Short title,
extent and
commence-
ment.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "agricultural produce" include wheat, paddy, coarse cereals like maize, jowar, bajra, millet, barley, madwa, soyabean etc., pulses including gram and all types of beans and peas, cotton, sugarcane, oilseeds, tobacco, vegetables, jute, all types of spices, coconut, all fruits including areca nuts, chillies and such other crops grown by farmers and produces which may be notified by the Central Government in the Official Gazette, from time to time and also include seeds as defined in the Seeds Act, 1966; 54 of 1966.

(b) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) "bumper crop" means the excess yield of any agricultural produce of a farmer which does not give reasonable return to the farmer after selling the yield as compared to its cost of production;

(d) "crop insurance" means insuring the crops in the event of loss of crop due to any natural calamity and include losses suffered by farmer on account of bumper crop;

(e) "farmer" means a person who owns land and cultivates or causes it to be cultivated for agricultural purposes or for horticulture purposes and includes all farmers big, middle, small and marginal farmers as identified by the Planning Commission of the Central Government;

(f) "Fund" means the Farmers Natural Calamity Assistance Fund established under section 4;

(g) "natural calamity" include drought, flood, excessive rains, cloudbursts, cyclone, super cyclone, tsunami, storm, hailstorm, winds, frost, winterkill, lightening, fire, excessive snowfall, earthquake, wild life, insect infection, plant disease and such other natural causes as may be prescribed;

(h) "prescribed" means prescribed by rules made under this Act.

Long-term
National
Action Plan
for Welfare of
Farmers.

3. (1) Notwithstanding anything contained contrary in any other law for the time being in force, the Central Government shall as soon as may be, but within one year of the commencement of this Act, formulate and publish in the Official Gazette, a long term action plan for the overall welfare of the farmers and more so for the distressed farmers of the desert, drought prone, hilly, flood prone, coastal and other natural calamity prone areas and regions of the Country as may be necessary, incidental or conducive for such plan and shall take appropriate measures for the uniform implementation of such action plan.

(2) In particular and without prejudice to the generality of the provisions contained in sub-section (1) of section 3 such action plan may include,—

(a) provision of immediate interim relief or ex-gratia payment to distressed farmers affected by natural calamity;

(b) comprehensive crop and livestock insurance scheme in which insurance premium of small and marginal farmers shall be borne by the Central Government to provide relief to the farmers in distress affected by natural calamity or who suffer losses on account of bumper crop;

(c) ensuring remunerative prices for the agricultural produce of the farmers through Minimum Support Price mechanism or other appropriate measures;

(d) compulsory market intervention scheme in case of bumper crop of any agricultural produce without the formalities of making requests etc., by the concerned State authorities so as to procure or arrange to procure the excess yield of the farmers;

(e) institutional mechanism for efficient marketing and export of agricultural produce of the farmers;

(f) making easy availability of fertilizers, pesticides and quality seeds to farmers at affordable prices;

(g) ensuring timely completion of irrigation projects to provide requisite irrigation facilities to the farmers to save them from the vagaries of nature;

(h) comprehensive measures for the removal of indebtedness of the distressed farmers by way of writing-off loans and interest accrued thereon if crops are lost by natural calamity, providing easy loans with nominal interest from banks and financial institutions by removing the hurdles of complicated procedures, technicalities and collaterals, and saving the distressed farmers from the clutches of greedy moneylenders so that they may be saved from resorting to extreme step of committing suicide; and

(i) welfare scheme including old age allowance for all farmers and their spouses, free medical care, shelter to the needy ones and for such other provisions as may be deemed necessary.

4. (1) The Central Government shall, as soon as may be, but within six months of the commencement of this Act, establish a Fund to be called the Farmers Natural Calamity Assistance Fund for carrying out the purposes of this Act.

Establishment
of Farmers
Natural
Calamity
Assistance
Fund.

(2) The initial corpus of the Fund established under sub-section (1) of Section 4 shall be fifty thousand crore rupee to be provided by the Central Government after due appropriation made by Parliament by law in this behalf.

(3) After the initial constitution of the Fund, moneys shall be provided to the Fund by the Central and State Governments in such proportion and in such manner as may be prescribed.

(4) The fund shall also comprise moneys received from the general public, body corporates, domestic and foreign financial institutions as donations, gifts, etc.

(5) The fund shall be utilized for providing immediate financial assistance, ex-gratia, compensation to the distressed farmers affected by any natural calamity or disaster in such manner as may be prescribed.

(6) The fund shall also be utilized for providing special assistance or package as may be formulated by the appropriate Government for the children, women, physically challenged farmers, old farmers and such other persons vulnerable to the aftermath of natural calamity in such manner as may be prescribed.

5. (1) Notwithstanding anything contained in any other law for the time being in force, it shall be the duty of the appropriate Government to,—

Certain
facilities and
miscellaneous
provisions for
farmers.

(a) make sure that every distressed farmer affected by natural calamity who has lost his crop, livestock, movable or immovable property or life of kith or kin gets timely adequate compensation;

(b) publicise the weather forecasts during the sowing seasons in different parts of the country through the print and electronic media and in particular through All India Radio and Doordarshan in such manner as the appropriate Government may deem fit and necessary;

(c) to consistently monitor the sowing and production trends of crops of agricultural produce right from the beginning of every sowing season so as to make correct estimates of likely yields, local consumption needs, purchases by Government agencies under Minimum Support Price (MSP) mechanism, surplus and such other eventualities to ensure that farmers are not affected in any manner therefrom.

(d) ensure that when there is bumper crop of any agricultural produce the farmers do not resort to distress sale of that produce and to prevent such sale shall extend the compulsory market intervention scheme in such area and provide subsidised

transportation facility to carry the surplus produce to the identified areas of the State or of the neighbouring States where such produce is likely to be in demand or consumed and make necessary marketing and yard facilities for such bumper crop;

(e) remove the middlemen, moneylenders and unscrupulous traders who exploit the farmers in case of bumper crop in such manner as it may deem fit necessary to do so;

(f) establish agricultural farms in every block of the Country which shall ensure timely and adequate supply of quality seeds and saplings at affordable rates to the farmers;

(g) establish Agricultural universities and *Krishi Vigyan Kendras* at conspicuous places for promotion of agricultural as a whole;

(h) establish modern veterinary hospitals and clinics in every block to assist farmers in animal husbandry;

(i) promote agro based industries such as food processing, dairy, poultry, rearing of animals, piggery, bee keeping, bakery, etc. in order to enhance the farm income of the farmers;

(j) promote co-operative farming and contract farming to promote better farm management and farm techniques with a view to making agriculture economically viable and sustainable;

(k) promote cultivation of vegetable, floriculture, horticulture, spices, pisciculture, sericulture, herbals and plants of medicinal values, bamboo and cane, along with handloom and handicrafts and other village arts in the suitable areas to supplement the income of the farmers;

(l) promote organic farming, use of natural manure, use of biomass for energy production, rain water harvesting techniques, use of solar and wind energy for the benefit of farmers;

(m) promote traditional water bodies such as wells, ponds etc., and provide sprinkler and other irrigation facilities and regular power supply to the farmers; and

(n) provide such other facilities as may be necessary, incidental and expedient as may be prescribed.

6. It shall be duty of the appropriate Government to provide every farmer,—

(a) medical facilities including medicines and hospitalisation wherever necessary free of cost;

(b) educational facilities including technical medical, vocational, information technology and higher education at the college and University level free of cost to the children of farmers;

(c) adequate old age allowance which is sufficient to lead a dignified life;

(d) disability pension in case he is physically challenged;

(e) recreational and entertainment facilities through individual or Community Centres; and

(f) such other welfare and protective measures as may be deemed necessary and appropriate or as may be prescribed.

7. (1) Notwithstanding anything contained in any other law for the time being in force, it shall be obligatory for all the public, private and cooperative sector Banks and Financial Institutions to provide hasslefree credit facilities with nominal interest or without any interest thereon to the distressed farmers affected by any natural calamity or to face the aftermath of any natural calamity in his agricultural operations.

Certain welfare measures for farmers.

Special credit facilities for distressed farmers.

(2) The Banks and Financial Institutions referred to in sub-section (1) of section 7 shall also waive the recovery of any outstanding loan against any distressed farmer affected by any natural calamity for at least a year after the said natural calamity and shall not refuse a fresh loan to such farmer on this ground so as to enable him to carry out his agricultural operations.

8. (1) The Central Government shall provide after due appropriation made by Parliament by law in this behalf, necessary requisite funds, from time to time, for carrying out the purposes of this Act.

Central Government to provide requisite funds.

(2) It shall be the duty of every State Government in implementing the provisions of this Act and the Central Government shall place necessary funds at the disposal of every State Government for this purpose.

9. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, not inconsistent with the provisions of this Act, remove the difficulty:

Power to remove difficulty.

Provided that no such order shall be made after the expiry of two years from the Commencement of this Act.

(2) Every order made under sub-section (1) of section 9 shall be laid, as soon as may be, after it is made, before each House of Parliament.

10. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

Act to have over-riding effect.

11. The Central Government, may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

It is rightly said that our Country resides in villages because majority of our population is in the rural areas and agriculture is the main occupation. The Farmers are the backbone of our economy and they mainly depends on good harvests during the sowing seasons. Inflation and price rise are also decided by the yield of the farmers. Agriculture extensively contributes to our Gross Domestic Product (GDP). This sector generates maximum number of employment opportunities, ensures food security to the nation and provides largest share of raw materials to our industries. But unfortunately, the lot of most of the farmers has not improved even after more than six decades of independence and implementation of eleven Five Year Plans. They are still poverty stricken, indebted and being exploited. The farmers are on the mercy of vagaries of nature for their yields in the absence of irrigation facilities in abundance. At the same time natural calamities do occur very frequently in one part or the other, of the country round the year. Drought affects various parts of the country at regular intervals and so is the case of floods which devastate many parts of the country regularly year after year. The coastal areas face the brunt of cyclones very frequently and some times they are affected by super cyclone and even Tsunami. Similarly, many other parts of our vast nation are adversely affected by earthquake, excess rains, cloudbursts, hailstorm, frost, winterkill, lightening, fire, excess snow, wild life insect infection, plant diseases and other vagaries of nature. The farmers who lose their crops and other belongings have to bear the brunt of these natural calamities and with that their hopes too are dashed. They become indebted in order to survive and restart their agricultural operations and fall in the unending trap of greedy moneylenders and many of them also take the extreme step of committing suicide. Such suicides are very rampant in Maharashtra, Andhra Pradesh, Madhya Pradesh, Punjab, etc. Similarly, when the farmer grows a bumper crop there are no buyers of his yield. He is forced to go for distress sale of his produce at throwaway prices and sometimes resorts to burning his crop. The indebted farmers do not get any support to live a dignified life in their old age. There is no social security for them. In some States, they are given a meagre old age pension which can not fetch even two square meals for them. They do not get the medical facilities. The plight of infirm and physically challenged farmers is more precarious.

In a welfare State like ours it is the sacred duty of the State to protect the farmers who have remained neglected and exploited. They should be given sufficient protection by the State by implementing comprehensive crop and livestock insurance, extending soft loans by Banks and Financial institutions, by giving adequate and timely compensation when affected by natural calamity. It should be ensured that they get remunerative prices for their yield and the State must implement welfare measures for the farmers so that they too reap the fruits of progress made by our nation.

Hence this Bill.

DR. AKHILESH DAS GUPTA

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of the Farmers Natural Calamity Assistance Fund with initial Corpus of rupees fifty thousand crores and thereafter Central Government has to provide requisite funds every year. Clause 5 provides for certain facilities for farmers. Clause 6 provides for certain welfare measures to farmers. Clause 8 makes it obligatory for the Central Government to provide requisite funds for carrying out the purposes of the Bill. The Bill if enacted will therefore involve expenditure from the Consolidated Fund of India. Apart from the initial amount of fifty thousand crore, it is estimated that a sum of rupees sixty thousand crore rupees may involve as recurring expenditure per annum.

A non recurring expenditure to the tune of rupees fifty thousand crore may also involve from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only. The delegation of legislative power is of normal character.

XI

BILL NO. LXXI OF 2010

A Bill to provide for complete freedom to earn livelihood to the hawkers, vendors, potters kabariwallas, cycle rickshaw and cart pullers, roadside eateries, mechanics, fish and chicken outlets, patriwallahs etc., by prohibiting the local police personnel of local bodies from impounding or taking away the tools, wares, stuff, cycle rickshaw, cart, rehri, etc., so as to enable the poverty stricken and unemployed youth and other citizens to earn their livelihood without fear and feed their dependent families and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

Short title
and
commence-
ment.

1. (1) This Act may be called the Freedom of Earning Livelihood Act, 2010.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;

(b) "hawker" means a person who earn his livelihood by selling household articles or items like fruits, vegetables, clothes, utensils, food items, dry fruits, *paani puri*, *chaat*, *pakor*as and such eatables by going from house to house or street to street hawking on cart, bicycle, basket, *rehri* or any other mode;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "rickshaw puller" means a person who physically pulls a cycle rickshaw of any kind which includes a hand cart in order to earn his livelihood;

(e) "roadside mechanic" include the person repairing bicycle, cycle rickshaw, scooter, moter cycles and other two wheelers and motorized vehicles, those repairing footwear purses, utensils and other wares, electronic items, etc. by the roadside or under the tree without erecting any permanent structure at the site and without hindering the smooth traffic flow on the road;

(f) "vendor" include any person who sells food items, fruits, vegetables and other small items, eatables like *chana-bhatura*, *puri-chhole*, ice-creams, *chaat*, roasted or fried groundnuts and such other eatables and household items from a stall or place in the open space.

3. (1) Notwithstanding anything contained in any other law for the time being in force every citizen including the hawkers, vendors, roadside mechanics, bicycle rickshaw and cart pullers, potters, *kabariwallahs*, fish or chicken sellers, eateries owners, *patriwallahs*, etc., and similar other vocations shall have complete freedom to earn their livelihood through such vocations without any hindrance or interference from any authority of the Government including those of Police and local self Government like Corporations, Municipalities, etc.

Freedom of earning livelihood to citizens.

(2) Any authority of the Government who contravenes the provisions contained in sub-section (1) of sections shall be guilty of dereliction of his duties and shall be punished accordingly.

4. Notwithstanding anything contained in any other law for the time being in force, no authority of any Local Self Government such as Municipalities, Municipal Corporations, Municipal Councils or by whatever name known or called as well as the authorities of local Police shall confiscate or impound or forcibly take away the articles, foodstuff, wares, tools, bicycle, rickshaw, carts, etc. of the citizens covered under this Act.

Local Self Government authorities and Police Personnel not to confiscate or impound the articles, wares, etc.

5. For earning hassle free livelihood under the provisions of this Act, the concerned citizen shall not,—

Conditions to be followed for earning livelihood.

(a) sell or hawk any article or stuff which is injurious to health of the public;

(b) obstruct the public place such as roads, footpath, parks and such other places declared as public places by the appropriate Government;

(c) obstruct the flow of traffic or vehicles and pedestrians, as the case may be;

(d) sell anything which is injurious to health or which is vulgar, toxic and against the moral values of the general public; and

(e) such other conditions as the Central Government may, by notification in the Official Gazette, specify.

Appropriate Government to ensure compliance.

6. It shall be duty of the appropriate Government to ensure strict compliance of the provisions of this Act to ensure freedom of earning livelihood by every citizen residing within its territorial jurisdiction.

Penalty.

7. Any Officer of Local Self Government or of any Department of the appropriate Government including Police, who contravenes the provisions of section 3 and 4 of the Act shall, notwithstanding anything contrary contained in any other law or service rules of any nature, be dismissed from service forthwith and shall also be liable for fine which may extend to two lakhs rupees.

Act to have overriding effect.

8. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save aforesaid the provisions of this Act shall be addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

Power to give directions.

9. The Central Government may give directions to the Government of any State for implementing the provisions of this Act in the State.

Power to remove difficulty.

10. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty.

Power to make rules.

11. The Central Government, may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

India is a vast Country and after China, we have the largest population, in the globe. With this population boom, our nation is facing the ever growing unemployment scenario which does not match with the growing population. Employment generation is decreasing and the number of unemployed is increasing rapidly. The problem has become more acute due to global meltdown and recession all over the world. Government services are becoming scarce and so is the case of private sector. Agriculture, micro, small and medium industries used to be biggest employment providers, but whereas recession has taken the toll on micro, small and medium industries. Agriculture has become the victim of vagaries of nature and slump because of unremunerative price structure and fall in prices of commodities and, therefore, the employment generation is not commensurate with the ever growing population.

In such a scenario self employment appears to be the only way to tackle the unemployment problem but due to financial constraints everybody can not become self employed. However, quite a large number of citizens try to earn their livelihood through various means such as pulling bicycle rickshaw, carts etc., hawking or vending articles, fruits, vegetables, clothes, wares, eatables, fish chicken etc., working as potters, *kabariwallahs*, roadside mechanics repairing two wheelers, motorized vehicles, footwear, pursed, utensils and other wares, electronic items, selling readymades, etc. in the streets, roadside and other places to earn their livelihood and feed their poor families but most of them are hounded by local Police and Municipal authorities. They are compelled to pay heavy bribes and if they do not do so then their articles, wares and other things are taken away and confiscated and impounded and heavy fines are imposed on them. As such they are unable to earn their livelihood because they remain under threat and they fall in the net of anti-social elements. When State can not provide employment opportunities, the poor should not be denied their right to earn livelihood. So there should be complete and hassle free freedom for all the citizens of the Country so that people will earn their livelihood and support their families and there should be no interference from Police or local authorities in their vocation. Recently, even the Supreme Court of India expressed its concern about the plight of *Rehri* and *Patriwallahs* and directed to formulate rehabilitation plans for them.

This Bill seeks to achieve the above objects.

Hence this Bill.

DR. AKHILESH DAS GUPTA

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill gives power to the Central Government to make rules for carry out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is, of normal character.

XII**BILL NO. LXXIV OF 2010**

A Bill to provide for the regularization of unauthorized colonies existing for more than two years in the urban areas and for the basic amenities like drinking water, sanitation, healthcare, electricity, toilets and management of garbage, sewerage in such unauthorized colonies, slums Jhuggi-Jhopri clusters to be provided by the appropriate Government and for certain welfare measures to be initiated by the State for the residents of such colonies, slums and Jhuggi clusters and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Unauthorised Colonies, Slums and Jhuggi Clusters (Welfare, Basic Amenities and other Provisions) Act, 2010.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases the Central Government;

(b) "Jhuggi Cluster" means an area consisting of Jhuggies which may be on the land belonging to Government or private land, generally built with bricks and mud, metal or wood having thatched roof, tin shed and roof covered with polythene etc., and are unauthorised;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "slum" includes an area consisting of unplanned and shabbily built and overcrowded houses without civic amenities with unhygienic atmosphere and such other areas declare as slums by the appropriate Government;

(e) "Unauthorised Colony" means a colony which has not been approved by the appropriate Government or any of its agency including local self Government and has been in existence for two or more years.

3. (1) Notwithstanding anything contained in any other law for the time being in force, the Central Government shall, as soon as may be, formulate and implement a national policy for the regularisation, betterment, upkeep, removal and rehabilitation and all other related aspects thereto, for unauthorised colonies, slums and *Jhuggis* clusters and for the welfare of the inhabitants of such colonies, slums and clusters particularly in the Metropolitan and other urban areas.

National Policy
for
Unauthorised
Colonies, Slums
and Jhuggi
Jhopri Clusters.

(2) Without prejudice to the generality of the provisions of sub-section (1) of section 3 the measures referred to therein may provide for,—

(a) basic civil amenities such as potable water supply, electricity for domestic usage, road or street lighting, sewerage, toilets both individual and community toilets drainage, metallic roads in the streets and surroundings, sanitation, garbage removal, provision of dumping binds and such other amenities as may be prescribed from time to time;

(b) healthcare facilities through Health Centres, dispensaries, pathological labs and mobile clinics for the inhabitants;

(c) educational facilities, playgrounds and recreational facilities for the children;

(d) marketing facilities for daily needs of households including provision for vegetables, fruits and other needs;

(e) adequate public distribution system facilities and domestic fuel such as kerosene, LPG, etc.;

(f) transportation facilities; and

(g) such other measures as the Central Government may deem necessary for carrying out the purposes of this Act.

(3) The National Policy so formulated under this section shall be uniformly implemented throughout the country by the appropriate Government.

4. Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall,—

(a) regularise, by notification in the Official Gazette, all unauthorised colonies which were in existence for the more than two years on the commencement of this Act, in such manner, as may be prescribed and shall provide all basic civic amenities to the inhabitants of such colonies;

Special
provisions in
respect of
Slums, Jhuggi
Clusters and
Unauthorised
Colonies.

(b) for the time being recognize the right to use Government land in case Jhuggis have already been built thereon and were in existence for more than two years on such land till alternative living arrangements are made for the dwellers by the appropriate Government;

(c) construct such number of dwelling units as the concerned authority may deem necessary with required amenities and allot them to the dwellers of the concerned Jhuggi clusters with such terms and conditions and in such manner as may be prescribed;

(d) not remove or demolish any Jhuggi cluster, slum or unauthorised colony without making alternative arrangement of roofs or dwelling units for the residents of such Jhuggi clusters slums for unauthorised colony, as the case may be;

(e) provide essential healthcare by establishing health centre or through mobile units by distributing free of costs essential medicines, mosquito nets and repellants and fumigate the Jhuggi clusters, slums and unauthorised colonies from time to time and in particular during rainy season to protect the inhabitants from Vector-borne disease like malaria, dengue, chickngunya, encephalitis filariasis, etc., and extend free of cost pathological services to the needy inhabitants thereof;

(f) extend necessary help in cash and kind, advice and training for the self employment of inhabitants of Jhuggi clusters and slums in such manner as may be prescribed; and

(g) make such other provisions as the appropriate Government may deem necessary or expedient for carrying out the purposes of this Act.

Central Govt.
to make
provision of
funds.

5. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds every year for carrying out the purposes of this Act.

Power to give
direction and
remove
difficulty.

6. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty and the Government of concern State shall be guided by such direction or order on questions of policy as may be given to it by the Central Government under this Act.

Act to have
overriding
effect.

7. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for time being in force but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matter dealt with in this Act.

Power to make
rules.

8. The Central Government, may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Our Country is very vast and second most populous nation of the globe after China. Seventy per cent of our population lives in villages and poverty is rampant in rural India. Driven by poverty and to earn their livelihood or fulfill their dreams people migrate to urban areas and more to the metropolitan cities. Millions of such migrant people and also the local ones settle down in slums, *Jhuggi* clusters and unauthorised colonies and even on footpaths or pavements under the open sky in most inhuman conditions without basic civic amenities like potable water, electricity, toilets, sanitations, sewerage, healthcare, education etc. Such slums, *Jhuggi* clusters and unauthorised colonies exist in all parts of most of the urban areas and the Metropolitan cities including the national Capital, Delhi, are not an exception. In Delhi regularisation of unauthorised colonies has always been a burning problem for successive Central Government. However, the number of slums, *Jhuggi* clusters and unauthorised colonies is increasing and millions of people continue languishing in stinking and inhuman conditions and falling victims to various fatal diseases. These slums, *Jhuggi* clusters and unauthorised colonies have also gained notoriety for other reasons but majority of people living there are law abiding citizens. Despite all this, we do not have a national policy on slums, *Jhuggi* clusters and unauthorised colonies.

Being a welfare State, the Central and State Governments are duty bound to initiate welfare measures for the residents of slums, *Jhuggi* Clusters and unauthorised colonies by providing them basic civic amenities therein because they too are citizens of our nation and entitled to lead a healthy and good life. It has been observed that such areas are also neglected by civic and local authorities which are responsible for providing civic amenities citing various technical and legal reasons but quite a large number of people should not be denied the basic amenities. But in this context, the States are not in a position to bear the huge expenditure on this front. The Central Government should come forward and bear all the expenses in implementing the provisions of this Bill.

Hence this Bill.

DR. AKHILESH DAS GUPTA

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for certain facilities and civic amenities to be provided to the dwellers of slums, *Jhuggi* clusters and unauthorised colonies. Clause 5 makes it mandatory for the Central Government to provide adequate funds for carrying out the purposes of the Bill. The Bill if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of twenty-five thousand crore rupee may involve as recurring expenditure per annum.

Non-recurring expenditure to the tune of rupees fifty thousand crore may also involve.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules to carry out the purposes of the Bill. It will relate to matters of details only. The delegation of legislative power is of normal character.

XIII**BILL NO. LXXX OF 2010**

A Bill to provide for the maintenance and welfare measures to be undertaken by the State for the destitute, neglected, old, infirm or physically challenged widow, divorcee or unmarried women through establishment of an Authority and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Destitute and Neglected Women (Welfare) Act, 2010.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) “authority” means the Destitute and Neglected Women Welfare Authority established under Section 3;

(c) "destitute" in relation to a women who may be a widow, divorcee or unmarried means a women who has no relative or kinsmen to support her or who has no independent and adequate source of livelihood including the livelihood to her minor children dependent on her or any women stricken with infirmity owing to old age, physical deformity, ailment, mental imbalance and who lives uncared for;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "widow" means an adult female human being whose husband has died after her legal marriage.

3. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, establish the Destitute and Neglected Women Welfare Authority for the purposes of this Act;

Establishment
of Destitute
and Neglected
Women
Welfare
Authority.

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable and to contract and shall by the said name sue and be sued;

(3) The headquarter of the Authority shall be at Chandigarh in the State of Punjab and the Authority shall establish its branches in all the States and Union Territories at such conspicuous places as may be prescribed;

(4) The Authority shall have a Secretariat with such number of officers and employees, with such terms and conditions of service as may be necessary for the efficient functioning of the Authority as may be prescribed; and

(5) The Authority shall consist of—

(a) the Minister of Women and Child Development of the Union Council of Ministers who shall be *ex-officio* Chairperson of the Board;

(b) a Deputy-Chairperson preferably a woman with such qualifications as may be prescribed to be appointed by the Central Government;

(c) five women members of Parliament of whom three shall be from the Lok Sabha and two from the Rajya Sabha to be nominated by the respective Presiding Officers of each House;

(d) three members representing the Union Ministry of Human Resource Development and Social Justice and Empowerment to be appointed by the Central Government;

(e) not more than five members to be appointed by the Central Government in consultation with the Governments of States, by rotation in alphabetical order, to represent the Governments of the States; and

(f) four members to be appointed by Central Government from amongst the Non-Governmental Organizations working for destitute women or neglected women.

4. (1) It shall be the duty of the Authority to promote by such measures, as it thinks fit or appropriate, welfare measures for destitute or neglected women or widows of the country.

Functions of
the Authority.

(2) without prejudice to the generality of the provisions of sub-section (1) the Authority shall,—

(a) maintain district-wise register of destitute or neglected women or widows who are in need of assistance from the Authority with such details and in such manner as may be prescribed;

(b) work out plans and formulate schemes for the welfare of destitute or neglected women or widows covered under this Act;

(c) give wide publicity through the electronic and print media about the welfare measures being undertaken by the Authority; and

(d) perform such other functions not inconsistent with the provisions of this Act, as may be assigned to it by the appropriate Government from time to time.

Facilities to be provided by appropriate Government.

5. The appropriate Government shall, on the recommendation of the Authority, provide the women covered under this Act, the following facilities, namely:—

(a) monthly allowance of two thousand five rupees, if the woman is having any dependent children and rupees one thousand five hundred in case she has no dependent child as subsistence allowance;

(b) free medical aid and legal aid;

(c) free education including technical education to dependent children;

(d) free residential accommodation wherever necessary;

(e) gainful employment after imparting vocational education; and

(f) such other facilities, as may be necessary, for her rehabilitation, proper development, and for maintaining a respectable life in the society:

Provided that if any woman covered under this Act either gets gainful employment or remarries, all the facilities provided to her and to her dependent in accordance with the provisions of this Act, shall be withdrawn from the date of the gainful employment or remarriage, as the case may be.

Central Government to provide Funds.

6. The Central Government shall provide adequate funds to the Authority, after due appropriation made by Parliament by law in this behalf, from time to time for carrying out the purposes of this Act.

Act to have over-riding effect.

7. The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to women covered under this Act.

Power to make rules.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

In our Country, a large number of women particularly those belonging to lower and middle income groups of the society become destitute after the death of their husbands. Divorced women or unmarried women too are either neglected by their families or have no means to support them. In many cases, the widows are thrown out of the households. Many of them work as housemaids for their survival and to support their children. But even this is not possible for the infirm, old, physically or mentally challenged women and so they lead a miserable life and very often subsist on alms, which they get from begging. Sometimes they are forced into flesh trade and become sex workers to avoid starvation, which makes their lives disgraceful. The position of destitute women is more dreadful in rural areas, as being illiterate, they subjected to exploitation. It is expedient to stop the exploitation of the destitute, neglected women or widows in a welfare State like India and provide financial assistance and other essential facilities to such women so that they live honourably in the society. For this reason, a Destitute and Neglected Women Welfare Authority should be set up to ensure that the conditons of destitute, neglected women or widows should not become so miserable as may enable the unscrupulous elements of the society to exploit the situation.

Hence this Bill.

AVTAR SINGH KARIMPURI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Destitute and Neglected Women Welfare Authority. Clause 5 provides for certain facilities to the destitute and neglected women. Clause 6 lays down that Central Government shall provide requisite funds. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crore may involve as recurring expenditure per annum. Non recurring expenditure to the tune of one hundred crore may also involve.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only. The delegation of legislative power is of normal character.

XIV**BILL NO. XC OF 2010**

A Bill to provide for health insurance for the benefit of persons living below poverty line and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:

Short title,
extent and
commencement.

1. (1) This Act may be called the Health Insurance for Persons Living Below Poverty Line Act, 2010.

(2) It shall extend to the whole of India.

(3) It shall come into force on such date as Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “person living below poverty line” means any person, whose annual income from all sources is less than rupees fifty thousand; and

(b) “prescribed” means prescribed by rules made under this Act.

3. The Central Government shall frame a health insurance scheme for persons living below poverty line.

Health Insurance Scheme.

4. (1) The Central Government shall, through the State Government or the Union Territory Administration, as the case may be, issue a health card to every citizen living below poverty line.

Health card to persons living below poverty line.

(2) The health card shall contain the details such as name and age, address, details of family members, annual income and such other information of the citizen living below poverty line as may be prescribed.

5. Any citizen, who is entitled to a health card but has not been issued the same, may approach the district administration, which shall, after necessary verification, issue the health card.

Citizens to approach District Administration if card is not issued.

6. (1) Any person, who has been issued a health card, may approach any hospital, including a privately run hospital for treatment of self or any of his family members, whose name has been included in the health card.

Right of health cardholders to get treatment from hospitals.

(2) The hospital shall make entries in the Health card regarding the total expenditure incurred by it in the treatment of the cardholder or his family and shall also provide the prescribed medicines free of cost.

(3) The hospital shall not charge any fees from the cardholder for his treatment or any of his family members and send a copy of the detailed expenses to the Central Government in such manner as may be prescribed.

7. The total expenditure on the treatment in respect of a health cardholder and his family members shall not exceed rupees twenty-five thousand per year:

Limit of Expenditure on the treatment of Cardholders.

Provided that the cardholder may submit an application in the form as may be prescribed, to the Central Government for enhancing the limit in case of any critical illness and the Central Government may allow an enhanced expenditure for the treatment of a particular disease.

8. Subject to the provisions of section 7, no hospital shall refuse treatment to any cardholder, on the ground that the cardholder has not made any advance deposit with the hospital for treatment.

Hospitals not to refuse treatment to cardholders.

9. If any hospital refuses to treat any cardholder or member of his family without any valid reason, the Central Government shall issue directions for cancellation of the license of the hospital.

Penalty for violation.

10. The hospital shall make its claim for reimbursement of expenses in connection with treatment of a cardholder or a member of his family to the Central Government in such manner as may be prescribed.

Procedure for reimbursement.

11. The Central Government on receipt of a claim under section 10, shall process the same and reimburse the expenses within a month of receipt of the claim to the hospital concerned.

Reimbursement to be made within a month.

12. (1) Every cardholder shall be insured for a sum of rupees twenty-five thousand.

(2) The amount of insurance shall be paid to a nominee of the cardholder in case of his death.

Life insurance of the cardholder.

(3) The premium for insurance of the cardholder shall be paid by the Central Government.

13. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Poor people cannot afford treatment in hospitals as it has become a costly affair. Huge crowds in Government Hospitals discourage elderly, physically challenged persons and women from taking treatment there. As a result, they are left uncared and unattended for want of medical treatment. Even in Government Hospitals, they have to spend money for purchasing medicines, etc.

India being a welfare State, care has to be taken by the Government for under-privileged sections of the society. It is proposed to provide that persons living below poverty line may be allowed to take treatment in hospitals including private hospitals and there is also a provision for their life insurance.

This, it is hoped, will mitigate the hardship of the poor people to some extent who die for want of the medical treatment.

Hence, this Bill.

AVTAR SINGH KARIMPURI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for health insurance scheme for all persons living below poverty line. Clause 4 provides for issuance of health cards to all persons living below poverty line to enable them to take treatment in hospitals. Clause 11 provides for reimbursement of expenses by the Central Government to the Hospitals concerned. There is also a provision for life insurance of the cardholder under clause 12.

This Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees five thousand crore per annum.

A non-recurring expenditure of about rupees one thousand crore will also be involved for issuing health cards.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill gives power to the Central Government to make rules for carrying out the provisions of the Bill.

As the rules will relate to matter of details only, the delegation of legislative power is of normal character.

XV**BILL NO. LXXXV OF 2010**

A Bill further to amend the Mines and Minerals (Regulation and Development) Act, 1957.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Mines and Minerals (Regulation and Development) Amendment Act, 2010.

Short title,
extent and
commence-
ment.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

67 of 1957

2. In section 9 of the Mines and Minerals (Regulation and Development) Act, 1957 the proviso to sub-section (3) shall be omitted.

Amendment
of Section 9.

STATEMENT OF OBJECTS AND REASONS

Minerals are conceptually considered the property of the states. However, with a view to have uniformity in the country, the Mines and Minerals (Regulation and Development) Act, 1957 was enacted by the Parliament. In 1972 proviso was added to section 9 of the Act for increasing the rate of royalty in respect of mining leases at an interval not less than three years. Of late, this provision has become irrelevant due to appreciation in the prices of minerals throughout the world and this is adversely affecting the interests of States and the nation.

Hence, this Bill.

SHREEGOPAL VYAS

XVI**BILL NO. LXXVI OF 2010**

A Bill to provide for abolition of corporal punishment in educational institutions by providing protective measures against use of physical force towards children and to set forth good practices and provide stringent penalties to any person involved in corporal punishment keeping the best interest of the child and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Abolition of Corporal Punishment in Educational Institutions Act, 2010.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires:—

Definitions.

(a) "appropriate authority" means the head of the educational institution or an authority set up for the purpose by the educational institution;

(b) "appropriate Government" means in the case of a State, the Government of that State and in all the other cases, the Central Government;

(c) "child" means any person who has not completed eighteen years of age;

(d) "corporal punishment" means physical punishment that involves deliberate infliction of pain for a mistake or act of indiscipline by a child for the purpose of disciplining or reforming the child;

(e) "educational institutions" means any institute that provides education to children, be it a school or college, private tuition centres, creches, including Government funded, aided or affiliated educational institutions;

(f) "prescribed" means prescribed by rules made under this Act.

Grievance
settlement
mechanism
on corporal
punishment.

3. (1) Notwithstanding anything contained in any other law for the time being in force, it shall be the duty of every educational institutions to set up a grievance settlement mechanism comprising equal representatives of teachers, parents and students to receive complaints on corporal punishment and submit a report to the head of the institution within thirty days of the receipt of the said complaint after conducting an inquiry in such manner as may be prescribed.

(2) It shall be the duty of the appropriate authority to take action against the person found guilty of corporal punishment within thirty days of the receipt of the report in such manner as may be prescribed:

Provided that if the same person is found guilty of corporal punishment on second occasion his services in the educational institution shall be terminated forthwith.

(3) The complainant if not satisfied with the inquiry report may prefer an appeal to the State Education Board or any such authority as may be notified by the appropriate Government which shall examine and investigate the appeal within fifteen days of its receipt.

(4) The State Education Board or the authority notified under sub-section (3) shall take action against the person found guilty of corporal punishment within thirty days of the receipt of the appeal from the complainant.

Duties of the
appropriate
authority.

4. It shall be the duty of the appropriate authority of each educational institution—

(a) to ensure that no incident of corporal punishment takes place in its institution;

(b) to review teaching practices in the school and the service rules for teachers in the light of the spirit of child-friendly and child-centered education as mentioned in the Right of Children to Free and Compulsory Education Act, 2009;

35 of 2009.

(c) to set up an independent child Right Cell which shall have representatives from students, teachers, parents and school management, to impart Personal Safety Education in order to empower children and to make them aware of their rights and remedies if their rights are violated; and

(d) to facilitate discussion with parents and teachers at periodic intervals during Parents Teachers Association in order to empower children and carryout measures to protect their rights.

Penalty.

5. Whoever, contravenes the provisions of this Act and rules made thereunder shall be liable for the first offence, for imprisonment which may extend to one year or fine of rupees five thousand or with both and for second or subsequent contravention, for imprisonment which may extend to three years or fine which may extend to rupees twenty-five thousand or with both.

Duty of State
Government.

6. (1) The appropriate Government shall ensure that every educational institution put in place appropriate grievance redressal mechanism so that matters relating to discipline and punishment are dealt with in a continuous and comprehensive manner by all concerned including the students, teachers, school management and parents to curb the acts which are detrimental to the interest of the child.

(2) The appropriate Government shall also ensure that if any second or subsequent incident of corporal punishment is reported from the same educational institution, the concerned institution shall be de-recognised for all purposes:

Provided that before de-recognition of any educational institution the appropriate authority shall be given an opportunity of being heard.

4 of 2006.

7. The National Commission for Protection of Child Rights set up under the Commission for Protection of Child Rights Act, 2005, shall be the nodal agency to ensure that all laws, policies, administrative mechanism are in consonance with this Act and with the child rights perspective as enshrined in the Constitution of India.

Nodal agency

8. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

The discipline is not taught, it is learnt. Text books give information. The communication through teaching is imparting education. To attain wisdom, an abundant amount of common sense has to be added to education, which then includes discipline. Discipline is an attitude, character, responsibility or commitment. The discipline is basically internal, while the attempt to impose it would be an external process. One has to internalize the process of education and discipline. Discipline and education go together in letter and spirit.

Indian being a signatory to the United Nations Convention on Rights of Child is under an obligation to remove cruelty towards children by prohibiting the use of canes as method of punishment from schools. It is an important element of a Child's protection rights as envisaged by the Convention to lay down national policy and legislation on use of corporal punishment in schools. There should neither be physical nor mental punishment. The stress and strain are imposed on the child with the atmosphere of fear prevalent in the schools because of corporal punishments, cut throat competitions and increasing pressure for good ranks which also lead them to leave the schools. Suicides are another major possible consequence of such terrible incidents in the schools. The plight of junior college students, who commit suicides due to meaningless competition and ambitious craze for professional courses is lowering the morale of other students and their parents. School children should not be driven to such an unfortunate situation. We shall not wait till more school students commit suicides. It is high time for us to act upon. Let us all save their childhood. 'Spare the rod and save the childhood' should be the new slogan.

Hence, this Bill.

P. RAJEEVE

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of this Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only. The delegation of legislative power is, therefore, of a normal character.

XVII**BILL NO. I OF 2011**

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2011.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 25 of the Constitution,—

Amendment of
article 25.

(i) in clause (2), for sub-clause (b), the following sub-clause shall be substituted, namely:—

“(b) providing for public welfare or social and cultural reforms or protecting individual dignity or the throwing open of Hindu, Sikh, Jaina or Buddhist or neo Buddhist religious institutions of a public character to all classes and sections of these religions.”,

(ii) in Explanation I, for the word and figure “Explanation I”, the word “Explanation” shall be substituted;

(iii) Explanation II shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Article 25 of the Constitution provides for 'Right to freedom of Religion'. It further provides that all persons are equally entitled to freedom of conscience and right to profess, practice and propagate religion subject to public order, morality, health, etc.

Clause (1) of article 25 provided to all persons equally freedom of conscience and the right to freely profess, practice and propagate religion subject to public order, morality and health and the other provisions of Part III of the Constitution.

Sub-clause (b) of clause (2) of article 25 provides that nothing in that article shall affect the operation of any existing law or prevent the State from making any law providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus. Explanation II to that article provides that the reference to Hindus in sub-clause (b) of clause (2) shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly. This exclusionary definition relating to Sikh, Jaina and Buddhist religions as included in the Hindu religion, though recognizing the distinctiveness of these religions on the face of it, has lead to avoidable confusion about the independent identity of these religions.

The National Commission to Review the Working of the Constitution, in its report, in para 3.23.2 has recommended for the omission of Explanation II to article 25 and re-wording of sub-clause (b) of clause (2) of that article with a view to distinctively refer to Sikh, Jaina and Buddhist religions, namely:—

"(b) providing for social welfare and reform or the throwing open of Hindu, Sikh, Jaina or Buddhist religious institutions of a public character to all classes and sections of these religions."

The Bill seeks to amend the constitution with a view to distinctively refer to Sikh, Jaina and Buddhist and neo Buddhist religions in place of the term 'Hindu' in sub-clause (b) of clause (2) of article 25 itself instead of clarifying the same in explanation to that article.

SUKHDEV SINGH DHINDSA

XVIII**BILL NO. LXV OF 2011**

A Bill to provide for the constitution of a Regulatory Authority for regulation of Pre-Examination Coaching Centres and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Pre-Examination Coaching Centres Regulatory Authority Act, 2010.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government, by notification in the official Gazette, appoint.

Definitions

2. In this Act, unless the context otherwise requires,—

(a) 'Authority' means Pre-Examination Coaching Centres Regulatory Authority constituted under section 3 of this Act;

(b) 'pre-examination coaching centre' means and includes any institute or establishment where any coaching is imparted for admission into any professional course including medical or engineering education or for appearing in any examination conducted by any Government or private establishment for the purpose of securing employment; and

(c) 'prescribed' means prescribed by rules made under this Act.

Establishment of Pre-Examination Coaching Centres Regulatory Authority.

3. (1) The Central Government shall constitute a Pre-Examination Coaching Centres Regulatory Authority for the purpose of regulating and controlling pre-examination coaching centres, in such manner as may be prescribed.

(2) The Central Government shall appoint such number of officers and staff as it considers necessary for the efficient functioning of the Authority.

(3) The headquarter of the Authority shall be situated in New Delhi.

(4) The Authority shall have its offices in every State/Union territory.

Functions of the Authority.

4. The Authority shall perform the following functions,—

(i) conferring recognition to pre-examination coaching centres imparting coaching for various competitive examinations;

(ii) prescribing fees to be charged from students for pre-examination coaching being imparted at the coaching centres;

(iii) fixing minimum number of classroom lectures for various courses being offered at the coaching centres;

(iv) laying down minimum qualifications for the teachers to be employed in the coaching centres;

(v) prescribing penalties against such coaching centres which are not following the provisions of this Act; and

(vi) any other work relating to regulation of coaching centres as may be assigned to it by the Central Government from time to time.

Power to make rules.

5. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

The number of private institutions conducting pre-examination coaching is increasing at an alarming rate throughout the country. These coaching centres claim to be shaping the future of the youth of this country. Some of these coaching centres make tall claims in order to attract number of students and get huge amount from them as fees without providing proper coaching to them, thereby endangering their future. Therefore, there is an urgent need for legislation to regulate the functioning of such coaching centres in the country to safeguard the future of the youths in the country.

Hence the Bill.

MOHAN SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Pre-Examination Coaching Centres Regulatory Authority. The Bill, therefore, if enacted, is likely to involve expenditure from Consolidated Fund of India. It is estimated that a recurring expenditure of rupees One hundred crore is likely to be involved per annum.

A non-recurring expenditure of rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empower the Central Government to make rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

XIX**BILL NO. LXVIII OF 2010**

A Bill to provide for the setting up of a Bureau of Accountability to suggest measures to uproot corruption; making the administration efficient and for matters connected therewith and incidental thereto.

BE it enacted by the Parliament in the Sixty-first Year of the Republic of India as follows:—

Short title and
commence-
ment.

1. (1) This Act may be called the Bureau of Accountability Act, 2010.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definition.

2. In this Act, unless the context otherwise requires the word 'Bureau' means the Bureau of Accountability established under section 3 of this Act.

Establishment
of a Bureau of
Accountabil-
ity.

3. (1) The Central Government shall establish a Bureau which shall consists of the following:—

(i) two serving or retired Judges of the Supreme Court of India;

(ii) Cabinet Secretary to the Central Government;

(iii) Home Secretary to the Central Government;

(iv) Chief of the Intelligence Bureau of India;

(v) one retired General of the Army to be nominated by the Central Government;

and

(vi) An eminent social and political worker to be nominated by the Central Government.

(2) The members of the Bureau shall have a tenure of five years from the date of their appointment or nomination, as the case may be.

(3) The Bureau shall have its office located at New Delhi.

(4) The Central Government shall appoint such number of Officers and staff as it considers necessary for the efficient functioning of the Bureau.

4. The members of the Bureau shall elect from amongst themselves a member to preside over the meetings of the Bureau and the member so elected shall be designated as Chairman of the Bureau.

Chairman of the Bureau.

5. The Bureau shall take steps and suggest measures to the Central Government to—

Functions of the Bureau.

(i) accelerate the pace of working in the Ministries of the Government of India;

(ii) make the administration corruption free; and

(iii) implement the policies framed by the Central Government within the prescribed time period.

6. The members of the Bureau shall carry out surprise inspections of various Ministries and Departments of the Central Government from time to time and suggest measures for carrying out administrative reforms in the functioning of the Ministries.

Powers of Bureau.

7. (1) The Bureau shall formulate rules for its internal working and the rule so made shall be laid on the Table of each House of Parliament.

Procedure to be followed by the Bureau in its functioning.

(2) If any amendment is made to the rules framed under sub-section (1), the amendment so made shall also be laid on the Table of each House of Parliament.

8. The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

Powers to make rules.

STATEMENT OF OBJECTS AND REASONS

It has been emphasized time and again that unstable bureaucracy is a big hurdle in the development of the country. Some senior officers and their subordinates working in Government offices do not dispose of their official works within particular time period. Many important files remain pending for months in Government Offices which in turn leads to corruption. It is, therefore, necessary that a high powered permanent Bureau should be set up to accelerate the pace of work of bureaucracy and ensure timely completion of work. This will also help in rooting out corruption.

Hence this Bill.

MOHAN SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall establish a Bureau of Accountability. It further provides that the Central Government shall appoint such number of officers and staff as is considered necessary for the efficient functioning of the Bureau. It also provides that the office of the Bureau shall be located at New Delhi. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees one hundred crore per annum. A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

XX**BILL NO. LXIX OF 2010***A Bill further to amend the Constitution of India.*

BE it enacted by the Parliament in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2010.

Short title.

2. In Part IVA of the Constitution, after article 51A, the following article shall be inserted, namely:—

Insertion of
new article
51B.

“51B. It shall be the duty of every political party and candidate, whether such candidate is set up by any political party or not, to ensure that votes are not sought in the name of any religion, religious symbol or by inciting religious feelings of the people in any election to the House of the People or Legislative Assembly of a State or Union Territory or any local body”.

Duty of
candidates and
political
parties during
elections.

STATEMENT OF OBJECTS AND REASONS

It has been observed that during elections, some political parties and candidates seek votes in the name of religion or by inciting religious feelings. It will have an adverse effect on the society, if such trend continues. It is, therefore, necessary to put a check on such moves by amending the Constitution.

It is, accordingly, proposed to make it a fundamental duty of every political party and candidates, to ensure that votes are not sought by them in any election in the name of religion or by inciting religious feelings. Although the violation of the duty is not punishable under the existing system of Constitution, the political parties and candidates will be morally bound by such provision in the Constitution.

The Bill seeks to achieve the above objective.

Hence this Bill.

MOHAN SINGH

XXI**BILL NO. LX OF 2010**

A Bill to provide for the protection of right to privacy of persons including those who are in public life so as to protect them from being blackmailed or harassed or their image and reputation being tarnished in order to spoil their public life and for the prevention of misuse of digital technology for such purposes and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Right to Privacy Act, 2010.
- (2) It extends to the whole of India.
- (3) It shall come into force with immediate effect.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "digital recording" means recording made by a process of converting sound into a series of electrical pulses and to create text, data, picture which may be still or moving or any other audio visual representation of signal or any combination thereof which is capable of being created, processed, stored, retrieved or communicated electronically and which may be created, observed, delivered, broadcasted or accessed in any manner; and

(b) "persons in public life" includes the representatives of the people in Parliament, State Legislatures, local self Government bodies and office bearers of recognised political parties.

Right to privacy.

3. (1) Notwithstanding anything contained in any other law for the time being in force every person, including persons in public life shall have the right to privacy which shall be exclusive, unhindered and there shall be no unwarranted infringement thereof by any other person, agency, media or any one:

Provided that sub-section (1) of section 3 shall not apply in cases of corruption and misuse of official position by person in public life.

Cellular phone with in built camera should produce sound and to have flash light.

4. No person shall use a cellular phone with an in built camera, if it does not produce a sound of at least sixty-five decibels and flash a light when used to take a picture of any object or person, as the case may be.

No person to make digital recording, etc. without consent.

5. Notwithstanding anything contained in any other law for the time being in force, no person shall make digital recording or take photographs or make videography in any manner whatsoever of,—

(a) any part or whole of a human body which is unclothed or partially clothed without the consent of the person concerned; or

(b) any part or whole of a human body at any public place without the consent of the person concerned; and

(c) the personal and intimate relationship of any couple in a home, hotel, resort or any place within the four walls by hidden digital other cameras and such other instruments.

with the intent of blackmail or of making commercial gains from it or otherwise.

Penalty.

6. Whoever contravenes or causes to be contravened the provisions of,—

(i) section 3 shall be punishable with imprisonment for a term which shall not be less than four years but may extend to seven years and also with a fine which may extend to five lakh rupees;

(ii) section 4 shall be punishable with fine which may extend to fifty thousand rupees;

(iii) section 5 shall be punishable with imprisonment for a term which may extend to three years and also a fine which may extend to two lakh rupees.

Offence to be cognizable.

7. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 every offence punishable under this Act shall be cognizable. 2 of 1974.

Act to have overriding effect.

8. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make rules.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Every person has the right to privacy exclusively meant for him to enjoy unless it does not violate any provisions of law for the time being in force. But these days this right has become the subject matter of hot debate throughout the country particularly after the recent Multi-Media Messaging Service (MMS) episodes which have thrown up some important questions about the lacunae in our existing laws and threats of digital technology. Commercialization of sex and easy availability of internet has opened new vistas in pornography. Advancement of technology has made photography by cell phone cameras and videography by small equipment which could be hidden easily which are now employed with impunity to secretly capture private images and intimate moments of women or couples or friends and, thereafter, used to embarrass or blackmail the suspecting victims. It is the duty of the State to prevent the misuse of new advancements in technology and protect the right of privacy of its citizens by providing deterrent punishment for the violaters.

Hence, this Bill.

RAJEEV CHANDRASEKHAR

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules to carry out the purposes of the Bill. It will relate to matters of details only. The delegation of legislative power is of normal character.

XXII**BILL NO. LIX OF 2010**

A Bill to provide for the financial compensation, monthly allowance, relief and other rehabilitation measures and facilities to the dependents of citizen killed in naxalite acts of violence and those losing their property, crops, houses etc. due to such violence in the country and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Victims of Naxalite Act of Violence (Relief and Rehabilitation) Act, 2010.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, Government of that State and in other cases the Central Government;

(b) "family" include husband, wife and dependent children and aged parents;

(c) "prescribed" means prescribed by rules made under this Act;

45 of 1860.
2 of 1974.
37 of 1967.

(d) Words and expressions used and not defined in this Act but defined in the Indian Penal Code, 1860, the Code of Criminal Procedure, 1973 and the Unlawful Activities (Prevention) Act, 1967 shall have the meanings respectively assigned to them in those Acts.

3. (1) Notwithstanding anything contained in any other law for the time being in force, the family of a citizen who is killed due to naxalite act of violence shall be paid compensation by the appropriate Government as specified hereinafter, namely:—

Payment
Compensation
to the family
of persons
killed by
naxalites.

(a) an *ex-gratia* grant of such amount which shall not be less than five lakh rupees in such manner as may be prescribed;

(b) financial assistance at the rate of two thousand rupees per month for such period, as may be prescribed.

(2) In case the citizen killed by naxalite acts of violence referred to in sub-section (1) above was the only earning member of a family, the appropriate Government shall,—

(i) pay family pension at the rate of four thousand rupees per month to the family;

(ii) provide gainful employment to any one eligible member of the family;

(iii) provide free education including vocational education to the children of the citizen killed;

(iv) provide such other assistance to the family of the citizen killed as it may deem necessary for the welfare of the family.

(3) The provisions of sub-section (2) shall be in addition to the provisions of the sub-section (1) thereof.

4. Any citizen who receives severe injuries thereby permanently incapacitating him or seriously injuring him with deep wounds, the appropriate Government shall;

Compensation
to persons
wounded by
naxalites
violence.

(a) provide him appropriate medical care and bear the entire costs of his medical treatment or outdoor as well indoor medical treatment;

(b) pay an *ex-gratia* grant as compensation of not less than four lakh rupees in such manner as may be prescribed.

5. (1) Where any citizen or family losses the dwelling unit having been destroyed or damaged due to torching or bombing by the naxalities, the appropriate Government shall,—

Compensation
for other
losses due to
naxalite
violence.

(a) provide an alternate dwelling unit to such citizen or family, as the case may be, in such manner as may be prescribed; and

(b) bear the entire cost of repairs of the damaged dwelling unit in case it is repairable;

(2) where the citizen losses his livestock or his standing crop or orchard or poultry farm or piggery farm due to naxalite act of violence, the appropriate Government shall pay adequate compensation to such citizen in such manner as may be prescribed.

(3) where any citizen losses his business establishment or shop or kiosk or hawking or vending apparatus due to destruction thereof due to naxalite acts of violence, the appropriate Government shall pay adequate compensation to the loser citizen in such manner as may be prescribed.

National
Policy for
naxal
violence.

6. (1) The Central Government shall, as soon as may be, in consultation with the Government of the States affected by naxalite violence, formulate a national policy—

(i) to curb the spread of naxalite menace and eliminate the naxalite insurgents in the manner it is deemed necessary;

(ii) to grant general amnesty and rehabilitation of those naxalities who wish to surrender arms and shun violence and return to the mainstream of the nation under the Constitution of India by providing them gainful employment assistance for self employment and such other measures as the Central Government may deem necessary and expedient to do so in the overall national interest.

(2) The appropriate Government may, if it deems necessary, fit and expedient to do so in the public interest, promote village level security system by way of constituting teams of volunteers of village youth for the protection of their village from naxalite violence and provide such volunteers with necessary training, weapons and ammunition and necessary aids from time to time in such manner as may be prescribed.

Central Govt.
to provided
funds.

7. The Central Government shall provide after due appropriation made by Parliament by law in this behalf, the requisite funds to the States affected by acts of naxalite violence for carrying out the purposes of this Act.

Power to
remove
difficulty.

8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty and any such order or direction, as the case may be, shall be final.

Overriding
effect of the
Act.

9. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

Power to
make rules.

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Our country is very vast and insurgency is not a new phenomenon in the country but of late many parts of the nation are in the grip of naxalite violence who are openly challenging the authority of the State and are virtually running parallel governments in some parts of the country. The naxalities who are mostly the youth are known by different names such as naxalites, Peoples War Group (PWG), Maoists, Leninist-Maoists, etc. are active on a substantial scale in Chhattisgarh, Jharkhand, parts of Andhra Pradesh, Orissa, Maharashtra, Bihar, Madhya Pradesh, Uttar Pradesh, West Bengal, Karnataka, Tamil Nadu etc. apart from the insurgents in North-East. The naxalities are killing thousands of innocent people, policemen, personnel of paramilitary and armed forces just to create panic. They torch or blow up houses, shops and other establishments. They kidnap people for ransom and hang many after conducting people court. They even loot the police stations their weapons and blow them up with police personnel. The naxalites indulge in extortions, collect illegal taxes and in the naxalite occupied areas people remain indoors after the sunset.

Though, many precious lives are lost due to acts of violence of the naxalities but the victims are not duly compensated by the States. A paltry amount is given to the victims that too with much hassles. The families of people losing lives are not taken care of nor those who are critically injured or losing their houses livestock, crops, business establishments, etc. In a democratic country like ours, it is the sacred duty of the state to protect the life and property of its citizens and eliminate the extremists. If the State fails in its duty, then the affected citizens have to be duly compensated by the State. The youth join these outfits of variety of reasons and they have to be brought back to the mainstream of the nation by giving them amnesty, employment opportunities and incentives and suitable rehabilitation. But those defying, despite best efforts, should be eliminated under a national policy.

Hence, this Bill.

RAJEEV CHANDRASEKHAR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for payment of compensation to the family of persons killed by naxalites. Clause 4 provides for compensation to persons wounded by naxalites. Clause 5 provides for compensation for other losses. Clause 7 makes it obligatory for the central government to provide requisite funds for carrying out the purposes for the Bill. The Bill if enacted, will involve expenditure from the Consolidated Fund of India. It is difficult to quantify the same but it is estimated that a sum of rupee one thousand crore may involve as recurring expenditure per annum.

No non-recurring expenditure is likely to be involved from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

XXIII**BILL No. LXI OF 2010**

A Bill to provide for the promotion and greater exploitation of renewable energy available from solar heat, wind, biogas, urban waste, tides waves, geothermal sources, etc. by making its use compulsory by certain establishments and households in order to reduce the over dependence on fossil fuels for energy needs resulting in global warming, noxious emissions and ecological and climatologically imbalances to protect the environment and for the establishment of a Board for the purpose and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-first year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Renewable Energy (Promotion and Compulsory Use) Act, 2010—

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definition.

(a) "appropriate government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "Board" means the National Renewable Energy Promotion Board established under section 4 of this Act;

(c) "establishment" includes all offices of public and private sector, hotels of all kinds, restaurants, eating joints, shopping malls, multi-storey buildings, departmental stores, hospitals, nursing homes, clinics, schools, colleges and universities, banks, railway stations, airports and such other places as may be notified by the Central Government in the Official Gazette from time to time.

(d) "prescribed" means prescribed by rules made under this Act.

(e) "renewable energy" means energy or power derived from non-conventional energy sources other than fossil fuel emanating carbon and other toxic gases such as solar, wind, animal dung, geothermal sources, tides or waves, carbon waste and garbage or any other sources from which the renewable energy can be obtained.

3. It is hereby declared that it is expedient in the national and public interest that Central Government share take under its control the Promotion and Development of the renewable energy generation and take appropriate measures in that direction.

Central Govt. to take control of Promotion and Development of renewable energy.

4. (1) The Central Government shall, within six months of the commencement of this Act, by notification in the Official Gazette, establish a Board to be called the National Renewable Energy Promotion Board for carrying out the purposes of this Act.

Establishment of the National Renewable Energy Promotion Board.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property both movable and immovable and to contract and shall by the said name sue and be sued.

(3) The head office of the Board shall be at Bangalore in the State of Karnataka and the Board may establish offices of conspicuous places in all the States and Union Territories in the country for carrying out the purposes of this Act.

(4) The Board shall consist of the following members, namely:

(a) a chairperson who shall be an expert scientist having enough professional experience and profound knowledge in the field of renewable energy to be appointed by the Central Government;

(b) a Deputy Chairperson having such qualification and experience, as may be prescribed to be appointed by the Central Government;

(c) five members of Parliament of whom three shall be from the Lok Sabha and two from Rajya Sabha to be nominated by the respective Presiding Officers of the two Houses;

(d) five members to represent the Central Government of the Ministries of Finance, Environment and Forests, Science and Technology, Planning, New and Renewable Energy respectively to be appointed by the Central Government;

(e) three members to represent Non-Governmental Organizations working for promotion of new and renewable energy in the country to be appointed by the Central Government;

(f) four members to be nominated by the governments of the States to be rotated amongst the states in alphabetical order;

(5) The term of office of the Chairperson, Deputy Chairperson, and Members of the Board and the procedure to be followed in the discharge of the functions of the Board shall be such as may be prescribed.

(6) The Board shall be assisted by a Secretariat with such officers and members of the staff and with such terms and conditions of service as may be prescribed from time to time.

Functions of
the Board.

5. (1) The Board shall formulate a comprehensive new and renewable energy policy with its goals and execution plan so as to accelerate the promotion and development of renewable energy to minimize the dependence on fossil fuels for energy production resulting in noxious emissions and global warming as the Board may deem necessary and expedient to do so far the promotion of new and renewable energy throughout the country.

(2) Without prejudice to the generality of the provisions contained in sub-section (1) the Board shall,—

(a) support and encourage research and development to promote renewable energy through Government and Private Sector participation involving all major research laboratories and centres in the country;

(b) disseminate the information about the developments made abroad in the field of renewable energy;

(c) develop indicative standards of renewable energy;

(d) facilitate quick technology transfer and adoption of renewable energy;

(e) facilitate infrastructure development of renewable energy in rural areas;

(f) make provision for small biomass based energy systems for rural areas and promote dung based biogas individual and community plants and reduce dependence of firewood, lighting in streets, etc. through solar energy and setting up wind power projects;

(g) suggest ways for conversion of fossil fuel based industrial heating to solar thermal heating through solar concentrator technology or its hybrids;

(h) suggest educational and other policy initiatives for renewable energy in the country;

(i) create interactive web based resource maps of different renewable technologies to facilitate speedy project development and market expansion;

(j) undertake such other activities as may be assigned to it by the Central Government from time to time.

Miscellaneous
Provisions.

6. (1) Notwithstanding anything contained in any other law for the time being in force, the appropriate government shall in consultation with the Board make it compulsory for every establishment in the public and private sector to,—

(a) use the photovoltaic energy in all buildings and reduce dependence on electricity;

(b) make provision for time bound solar water heating in all buildings with defined floor areas;

(c) set time bound mandate for promotion of biomass energy systems in the country;

(d) reserve adequate land for setting up of renewable energy projects;

(e) make it mandatory for electricity utilities for compulsory purchase of electricity from renewable energy producing units;

(f) undertake such other measures as the government may direct from time to time.

(2) It shall be the duty of the appropriate Government to make available the necessary apparatus, equipment and other infrastructure either free of cost or at subsidized rates to the

establishments and individuals to enable them to tap and make maximum use of renewable energy sources and for this purpose shall promote the industrial units manufacturing such apparatus and equipment by extending various incentives including tax holidays and other concessions and infrastructure.

(3) The appropriate Government shall, as soon as may be, identify the exploited sources of renewable energy in its territorial jurisdiction and send project reports to the Board which shall depute a team of experts to the concerned state or Union Territory, as the case may be, to verify and assess the possibility of exploiting renewable energy sources as per the claim of that Government.

(4) The Board shall on the basis of the report of the team of experts work out the likely expenditure on the projects and recommend the Central Government to implement the projects in a time bound manner and it shall be the duty of the Central Government to accept the recommendations of the Board.

(5) The Board shall submit to the Central Government such other projects and programmes for the optimum exploitation of renewable energy sources as it may deem necessary and expedient for the purposes of this Act.

7. (1) Whoever contravenes any provisions of this Act shall, be guilty of an offence under this Act. Penalty.

(2) where an offence under sub-section (1) of Section 7 of this Act is committed by any establishment is proved to have been committed with the consent or connivance of or is attributable to any neglect on the part of any Director, Chief Executive, Secretary or other similar officer of the establishment or any person who was purporting to act in any such capacity, he as well as the establishment shall be guilty of that offence and shall be punishable with simple imprisonment which may extend to three months or with fine which shall not be less than five lakh rupees but may extend to ten lakh rupees or with both.

8. The Board shall prepare once in every calendar year in such form and at such time as may be prescribed an Annual Report giving a true and full account of its activities during the previous year and shall forward the copies thereof to the President of India who shall cause the same to be laid before both the Houses of Parliament. Annual Report.

9. **The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the Board and the Government of the States and Union Territory Administrations for carrying out the purposes of this Act.** The Central Government to provide funds.

10. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provision, not inconsistent with the provisions of this Act, as appear to it to be necessary to expedient for removing the difficulty: Power to remove difficulty.

Provided that no such order shall be made after the expiry of the period the two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before both the Houses of Parliament.

11. The Central Government may, by notification in the Official Gazette make rules for carrying out the purposes of this Act. Power to make rules.

STATEMENT OF OBJECTS AND REASONS

A world Summit was held at Copenhagen, Denmark to find out ways to save the earth from its effects of carbon emission resulting in global warming. Although no foolproof solution could be finalized but the fact remains that global warming is being caused by human activities mainly due to burning of fossil fuels which releases greenhouse gases. As a result series of record breaking weather events are causing havoc in the world. Carbon dioxide emissions increasing manifold due to rising consumption of energy particularly coal, petroleum products and firewood by the ever increasing world population. This has put the world on the danger map and if concrete measures are not taken the coastal areas of the world will submerge in the sea water and many small countries will be wiped from world map. For this transition, low carbon economy has to be adopted by massive development to new and renewable energy for the protection of our environment. In our own country due to ever increasing population we have invited ecological disaster due to over dependence on fossil fuels. Jungles have vanished due to over use of wood as firewood in the *chulhas* and making furniture, doors, windows, etc. The country is importing petroleum products on a large scale spending precious foreign exchange. The demand for fuel and power is increasing day by day. Therefore, we have to take steps to promote the use of renewable energy sources to meet the demands of future energy.

Fortunately we have very vast potentials of renewable energy but, unfortunately, we have not tapped this potential so far at the level it should have been tapped. There is enormous wind power potential. So is the solar energy. The desert areas have the requisite solar radiation for producing Concentrating Solar Power (CSP). A 60km X 60km area can produce on lakh megawatt of power and our country has a desert area of 208110 square kilometer in Rajasthan and Gujarat alone which if tapped can produce enormous power. The country is also capable of producing bio fuels. Hence, we have to adopt greater use of renewable energy sources considered to be non-polluting and eco-friendly. The use of renewable energy sources, therefore, has to be made compulsory for all establishments and households. For this a National Board needs to be established.

Hence this Bill.

RAJEEV CHANDRASEKHAR

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of the National Renewable Energy Promotion Board. Clause 9 makes it obligatory for the Central Government to provide requisite funds to the Board, State Governments and Union Territory Administrations for carrying out the purposes of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupee fifty thousand crores may involve as recurring expenditure per annum.

Non-recurring expenditure to the tune of one lakh crore rupee may also involve for creating permanent assets and apparatuses.

MEMORANDUM REGARDING DELIGATED LEGISLATION

Clause 11 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

V.K. AGNIHOTRI,
Secretary-General.